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FILE NO: 30067.000089

May 10, 2006

**VIA ELECTRONIC AND
OVERNIGHT MAIL**

Mr. Randy Sturgeon (3HS23)
United States Environmental
Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

**Re: Response of The Peck Company to Request for Information Pursuant
Under Section 104(e) of CERCLA With Regard to Peck Iron and Metal
Property, 3850 Elm Avenue, Portsmouth, Virginia**

Dear Mr. Sturgeon:

On behalf of The Peck Company (hereinafter "Peck"), this is the response, as of the date set forth above, to the letter from Dennis P. Carney dated January 13, 2006, and received by Peck on March 6, 2006, requesting information with regard to the Peck Iron and Metal property in Portsmouth, Virginia (hereinafter the "Information Request").¹ We are submitting this response in our capacity as counsel for Peck. Peck understands that it has a continuing obligation to supplement this response if additional information becomes available, and Peck reserves the right to submit additional information that it may find to be responsive to the Information Request.

Set forth below are each question contained in the Information Request in *bold-faced, italicized type*, followed by Peck's response as of the date of this letter.

¹ The Information Request called for a response within 30 calendar days of the date on which we received it. In a letter to Dennis Carney sent on March 17, 2006, David Peck requested an extension until May 5, 2006, to submit Peck's response. On behalf of EPA, Mr. Carney granted this request in a letter sent to Mr. Peck on March 28, 2006. Patricia Miller granted Peck an additional extension until May 10, 2006, which I confirmed in an e-mail to Ms. Miller on May 3, 2006.



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1. *As it relates to the Site, what is the current nature of your business or activity or any other business or activity that may be taking place at the Site?*

RESPONSE:

Currently a minority owned business, Able Body Demolition, is using the property to store its trucks. Able Body also has unloaded inert material, including concrete, dirt, and asphalt, on the property, and has spread some of the piles of asphalt and concrete. The company has followed Peck's instructions not to remove any soil from the site, and to keep any visitors or vandals off the site.

2. *As it relates to the Site, what was the nature of any business or activity during the period of time you or any member of the Peck family, or a company substantially owned or controlled by the Peck family, either owned and/or operated the Site?*

RESPONSE:

From 1945 to approximately 1990, the business conducted at the property was the purchase, processing, storage and shipping of metal scrap from various military bases, other federal, state and local government agencies, and local businesses. Liquidation of remaining scrap materials off of the property continued into the early 1990s. In addition, Peck Equipment Company was established in the 1960's to locate hard-to-find parts for the U.S. Navy.

In a letter from S.G. Werner to D.S. Welch of EPA dated May 11, 2004, Mr. Werner provided an historical summary of Peck's activities at the property. This letter also was provided as an attachment to an e-mail from S.G. Werner to K. Bunker dated July 28, 2004.

3. *Describe how the size or property boundaries of the Site have changed since the inception of Peck activities at the Site.*

RESPONSE:

Some time during the period between 1945 and 1950, Peck acquired land adjacent to the original parcel. In the 1990's, less than an acre was acquired from the U.S. Navy. In 2003, Peck donated a conservation easement of approximately six acres along Paradise Creek to the Elizabeth River Project ("ERP"), which modified the land to serve as a wetland and forested buffer area. In the course of its work, the ERP removed a berm, dredged soils, re-contoured the area, and deposited soil back on other portions of the Peck property.



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The current 33 acres are on five parcels. The following table summarizes the title history of the current property.

Deed Records Search

DATE	GRANTOR	GRANTEE	COMMENTS
05-18-88	Peck Iron & Metal Co., Inc.	Elm Leasing Co.	2.990 ac - 1 st part 2 nd & 3 rd parts - Easements
10-01-76	USA Dept. of Navy	Peck Iron & Metal Co., Inc., et al.	3 rd part - Easement, 0.05 ac.
06-30-76	Norfolk-Portsmouth Belt Line Railroad Co.	Peck Iron & Metal Co., Inc., et al.	2 nd part - Easement agreement for use of Scott Center Road Crossing
10-28-69	USA Dept. of Navy	Norfolk-Portsmouth Belt Line Railroad Co.	Deed of Easement
12-30-63	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	4.544 ac.
05-13-88	Peck Iron & Metal Co., Inc.	Peck Portsmouth Land Co.	Parcel B - 22.924 ac.
12-30-63	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	4.544 ac.
01-26-60	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	21.4 ac.
01-26-60	Peck Iron & Metal Co., Inc.	Kenneth McCracken, Trustee	Holder of Note, 21.4 ac.
03-31-31	Portsmouth Cotton Oil Refining Corp.	Proctor & Gamble	Parcels A & B - 110 ac.
01-01-88	Julius S. & Bess P. Peck	JSP Land Company	2 ac; Parcel A-1.174 ac.; Parcel B-2.733 ac.; 1st-0.8016 ac.; 2 nd -1 ac.; 3 rd -0.55 ac.; 4 th -Parcel 1-0.004 ac., Parcel 2-0.17 ac.
07-29-47	Trites Refinery, Inc.	Julius S. Peck	2 ac.
07-12-47	Philip C. Cuddeback, et ux.	Trites Rendering, Inc.	

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03-08-47	Frederick W. Marrat	Philip C. Cuddeback	
01-07-29	American Forest Products Company	Frederick W. Marrat	
10-11-28	Cradock Mfg. Co.	American Forest Products Company	
09-29-50	Richard B. Kellam, Special Commissioner, et al.	Julius S. Peck & R.F. & Thirza Trant	Parcels A (1.174 ac.) & B (2.733 ac.). Kellam Commissioner for dispute in Trant family. R.F. paid off dispute amount to Commissioner, land released to Peck
07-30-28	H.W. West	John H. Trant, Jr.	
07-05-28	R.D. White	John H. Trant, Jr.	
05-28-28	Cradock Mfg. Co.	Richard B. Kellam, Special Commissioner	
08-06-45	Joseph W. Dunkam, et al.	Julius S. Peck (formerly Julius S. Pecker)	1 st - 2.304 ac. 2 nd - 1 ac. 3 rd - 0.55 ac. 4 th - Parcel 1 - 0.004 ac. Parcel 2 - 0.17 ac.
06-29-44	Commonwealth of Va.	Joseph W. Dunkum	4 th - Parcels 1 & 2; quit claimed to Dunkum
05-31-43	County of Norfolk	Commonwealth of Va.	4 th - Parcels 1 & 2; quit claimed to Commonwealth of Va.
08-03-28	Norfolk Portsmouth Bridge Corp.	County of Norfolk	4 th - Parcels 1 & 2
04-18-28	Cradock Mfg. Co.	Joseph W. Dunkum	3 rd - 0.55 ac.
04-16-27	Cradock Mfg. Co.	Joseph W. Dunkum	1 st - 2.304 ac.
04-27-26	Cradock Mfg. Co.	Joseph W. Dunkum	2 nd - 1 ac.

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4. *Explain how hazardous substances such as, but not limited to, polychlorinated biphenyls (PCBs) and lead came to be present on the site.*

RESPONSE:

The metal scrap purchased during the period of scrap metal operations consisted of damaged and obsolete equipment, attachments, parts, and other miscellaneous materials. At various times the scrap contained cadmium-coated automobile parts; lead as an additive in petroleum products; PCBs in insulated wire, gaskets, fluorescent lights, transformer oil, and household appliances that used capacitors; lead-based paint in scrapped bridge sections; and lead in automobile batteries. Metal scrap from the government was not cleaned or purged of hazardous substances before transfer to the Peck property.

5. *Provide all information regarding the current or past environmental and physical conditions at the Site including but not limited to geology and hydro-geology, soil, groundwater, surface-water (including drainage patterns), sediments, sewer systems, and storm water conveyance systems. This includes, but is not limited to, field observations and measurements, laboratory data, field screening data, boring logs, sample locations and dates.*

RESPONSE:

Physical and chemical data for the property have been submitted to the Virginia Department of Environmental Quality ("DEQ") and EPA. Peck believes that information provided to DEQ and EPA through December 2004 confirmed that there are discrete locations on the property with elevated concentrations of certain parameters, but that there would be no unacceptable risk to the environment or to humans if the property were covered with a cap and restricted as to future use. Furthermore, there were no indications that the property would endanger anyone if left undisturbed. A risk assessment prepared for Peck indicates that there would be no unacceptable risks to humans or the environment or the likelihood of a release to groundwater even if it were assumed that there are PCB concentrations of up to 5,000 mg/kg in the former metal processing area.

The following table lists reports and other communications by which EPA and/or DEQ were provided information responsive to this question. Peck is not submitting copies of these reports and communications with this response but will provide them to EPA upon request.

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Date	Recipient	Sender	Description
15-May-03	Bernard, J.	Werner, S.G.	Draft Site Characterization Risk Assessment Report
28-May-03	Bernard, J.	Werner, S.G.	Site Characterization - Risk Assessment Report, Proposed Pull-A-Part Site, 3500 and 3850 Elm Avenue, Portsmouth, Virginia
04-Aug-03	Bernard, J.	Werner, S.G.	Response to DEQ's 18-Jun-03 letter commenting on Site Characterization Report and proposing a sampling program
12-Aug-03			Quantitation Report of samples obtained on 8-Aug-03
11-Sep-03	Greene, K.L.	Peck, B.D.	Letter regarding EPA's desire to sample for dioxin contamination at site; briefly discussing previous site operations; and requesting authorization from DEQ to go forward with site remediation
21-Oct-03	Werner, S.G.	Unze, S.C.	Attaches sample results for PCDDs and PCDFs
04-Nov-03		Williams, M.D.	Pull-A-Part Sampling Event: 08-06-03
07-Nov-03	Bernard, J.	Werner, S.G.	Site Characterization Study Addendum; attached is 27-Oct-03 memorandum to J. Bernard from S.G. Werner presenting sediments sampling plan
21-Nov-03	Werner, S.G.	Kinder, D.S.	Explanation of deficiencies cited in M. Williams 4-Nov-03 report
18-Dec-03	Bernard, J.F.	Hatcher, R.F.	Email forwarding colloquy between J.F. Bernard and S. Hahn of NOAA regarding the Peck Property Report addendum
17-Feb-04	Werner, S.G.	Williams, M.D.	Memorandum regarding QA/QC criteria

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Date	Recipient	Sender	Description
17-Feb-04	Bernard, J.	Werner, S.G.	Response to EPA's 15-Jan-04 "Characterization Report Review"; attached are: EPA's 15-Jan-04 letter; QA/QC reports for PCB and lead analyses for soil samples; summary of data validation performed by Draper Aden; and a response by laboratory to deficiencies identified by Draper Aden
30-Mar-04	Rice, S.	Werner, S.G.	Letter enclosing PCB analytical data, including map showing October 2003 PCB soil sampling results
11-May-04	Welsh, D.S.	Werner, S.G.	Letter enclosing Peck's "Self-Implementing PCB Cleanup Plan"
28-Jun-04	Peck, D.B.	Jarvela, S.	Letter stating EPA wants to conduct sampling at Peck site's wetlands and shoreline along border of property and Paradise Creek. Property Access Agreement attached
29-Jun-04			EPA Region III "Property Access Form" granting EPA and members of response team access to The Peck Company Site to collect samples for PCB and metals analysis
07-Jul-04			Sediments chain of custody form prepared by Mr. Hatcher
13-Jul-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 22-Jun-04 letter to B.D. Peck from J.J. Burke regarding deficiencies in Self-Implementing PCB Cleanup Plan; attached is Revised (12-Jul-04) Site Characterization and Self-Implementing PCB Cleanup Plan

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Date	Recipient	Sender	Description
20-Jul-04		Severn Trent Labs	Sample confirmation report
16-Aug-04	Hatcher, R.F.	Jarvela, S.	Email regarding preliminary results of 7-Jul-04 sampling event
03-Sep-04	Hatcher, R.F.	Rieger, J.	Summary of samples taken; cost of analysis; map of locations where samples were taken
28-Sep-04	Loeb, M.	Werner, S.G.	Email update on sample analysis
26-Oct-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 15-Oct-04 correspondence regarding Self-Implementing PCB Cleanup Plan; attached is Revised (22-Oct-04) Site Characterization and Self-Implementing PCB Cleanup Plan
18-Nov-04	Hatcher, R.F., Werner, S.G.	List, R.	Email setting out treatability study results and suggesting a meeting to discuss the results, treatment/stabilization strategies, regulatory implications and costs.
23-Nov-04	Hatcher, R.F., Werner, S.G.	List, R.	Additional treatability results
06-Jan-05	Hatcher, R.F., Bernard, J.F., Green, K.L.	Rieger, J.	Email regarding 70 ppb PCB screening level in sediments
03-Feb-05	Hatcher, R.F.	Williams, T.G.	Fax proposing use of same grid numbers and letters system as drawing supplied to Koontz-Bryant, reporting of plant to conduct site work from 8-Feb-05 thru 10-Feb-05
09-Feb-05	Bernard, J.	Werner, S.G.	Memorandum regarding soil sample location plan
16-Jun-05	Werner, S.G. & Hatcher, R.F.	Webb, J.N.	Requesting status of grid sampling effort

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Date	Recipient	Sender	Description
Undated			Site location map; well locations and boring locations; summary of analytical data - surface soil samples (6/1999 & 7/1999); summary of analytical data - soil/water interface soil samples (7/1999); summary of analytical data - groundwater (7/1999); summary of analytical data - mixed media (7/1999)

Peck is submitting to EPA with this response the laboratory data reports for samples collected at the property during 2005.

6. *Provide all documents that show the types of material accepted, customers, operational periods, and description of operations (including locations of operations) both owned and/or operated by you or any tenant(s).*

RESPONSE:

Peck has no documents in its possession responsive to this question. The following provides a brief description of operations on the property based on David Peck's recollection.

The operations at the property until the 1980's were located in and around the cinderblock buildings in the center of the property. At one of the buildings, a hydraulic guillotine shear cut steel to size. One building served as a sorting and storage room for non-ferrous metals and contained a small aluminum furnace to melt aluminum scrap. In the front, by the stop light, was a men's locker room and machine shop. A weigh scale was outside an office trailer near the stop light.

During the period of scrap metal operations on the property, the Department of Defense processed and sold metal scrap to Peck Iron & Metal from various military bases and Navy yards, including: Norfolk Naval Shipyard; Naval Air Station; Oceana; St. Juliens Creek; Cheatham Annex; Yorktown; Quantico; Ft. Meade; and Bellwood. The General Services Administration, Coast Guard, NOAA, and other agencies of the federal government also regularly sold surplus material to Peck Iron & Metal. Other large, non-government sellers to Peck Iron & Metal included the railroads, Virginia Electric and Power, landfills (which were

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sources of white goods and miscellaneous scrap), and the ship repair facilities, including Newport News Shipbuilding and Drydock, Norfolk Shipbuilding, and Moon Engineering.

Two occupants of the property -- neither affiliated with Peck -- in approximately 2001-02 operated businesses involving the handling of equipment and perhaps scrap metals. One occupant's operation led to action by DEQ, after which Peck evicted the occupant from the property. Currently, Able Body Demolition is using the property for truck storage and is helping to keep the property secure.

7. *Provide any correspondence to or from local, state or federal governments that discuss environmental conditions or issues at the property. This could include, but is not limited to, information regarding inspections, permits, violations and discharges.*

RESPONSE:

At the time Peck entered the Virginia Voluntary Remediation Program, its past and current environmental data were provided to DEQ. The history was also carefully reviewed by the Elizabeth River Project before it accepted approximately seven acres for a conservation easement.

The following table lists reports and other communications by which EPA and/or DEQ were provided information responsive to this question. Peck is not submitting copies of these reports and communications with this response but will provide them to EPA upon request.

Date	Recipient	Sender	Description
30-Apr-02	Gussman	Mayfield, M.	Letter informing DEQ of grant to address stormwater and habitat enhancement at Peck site
01-May-02	Peck, B.D.	Jackson, M.M.	Letter recommending demonstration project to enhance shoreline/stormwater on western side of Peck project, indicating that ERP expected \$30,000 to \$40,000 in grant funds to be available to assist in this voluntary project



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Date	Recipient	Sender	Description
06-Nov-02	Various	Jackson, L.	Email requesting comments on attached "Project Activities Coordination Meeting for 'Return to Paradise' - Peck Iron & Metal, Timeline of Action Items." List of attendees also attached.
27-Nov-02	West, T.	Pocota, M.A.	Letter regarding Joint Permit Applications (Peck and Elizabeth River Project) for wetlands restoration project and a stormwater/wetland pond
02-Dec-02		U.S. Army Corps of Engineers	Notification that Peck's proposed activity may qualify for Nationwide Permit 39; that proposed activity may affect historical properties (Norfolk Naval Shipyard); therefore, work cannot commence until requirements of National Historic Preservation Act have been met
06-Dec-02	Greene, K.L.	Cohen, A.	VRP Application for property located at 3850 Elm Avenue
13-Dec-02	Levetan, S.L.	Mayfield, M.	Letter offering grant-funded assistance to implement ERP's recommendations for sustainable development of Peck Site. Attached is "Environmental Stewardship Recommendations, Proposed Pull-a-Part Auto Recycling Facility, Elm Avenue, Portsmouth, VA" and "Best Management Practices for the Auto Salvage Industry"

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Date	Recipient	Sender	Description
06-Jan-03		VIMS	VIMS Shoreline Permit Application Report 02-2315 recommending applicant submit formal planting and monitoring plan
09-Jan-03			Notice of Public Hearing, Wetlands Board of the City of Portsmouth - Request of The Peck Company and The Elizabeth River Project for a wetland restoration area on the property at 3850 Elm Avenue
06-Mar-03			Portsmouth City Council, Public Hearing/Planning Items. Resolution (signed by City Manager) approving with conditions Pull-A-Part of Portsmouth's proposal to operate a motor vehicle recycling facility at 3850 Elm Avenue
11-Mar-03			Portsmouth City Council, Agenda. Pull-A-Part's use permit application is on agenda
14-Mar-03	Porter, S.J.	Wetmore, D.G.	Letter stating the exception request for BMP should not be granted because it does not meet necessary requirements
02-Apr-03	Pocta, M.A.	Porter, S.J.	Letter requesting additional WQIA information for site be submitted to Department by 11-Apr-03
10-Apr-03	Haste, G.J.	Pocta, M.A.	CBLAD and City of Portsmouth need stormwater calculations and justification for the stormwater location in the RPA buffer

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Date	Recipient	Sender	Description
11-Apr-03	Hatcher, R. F.	Hannah, J.	"Benefits of Proposed Stormwater Wetland at Peck Iron & Metal Site," Bill Hunt, Advisor to the Elizabeth River Project
14-Apr-03	Porter, S.J.	Hatcher, R.F.	Letter responding to 2-Apr-03 letter to M.A. Pocha in connection with locating a BMP within the Resource Protection Area for Paradise Creek wetlands
22-Apr-03	Porter, S.J.	Pocha, M.A.	Letter withdrawing Application for Exception from consideration at the City's Planning Commission meeting on 6-May-03
22-Apr-03	Hatcher, R.F.	Porter, S.J.	Memorandum stating information the City was seeking on stormwater calculations and buffer was not submitted timely and therefore will not be considered at the Planning Commission's 6-May-03 meeting
15-May-03	Bernard, J.	Werner, S.G.	DRAFT Site Characterization - Risk Assessment Report
28-May-03	Bernard, J.	Werner, S.G.	Site Characterization - Risk Assessment Report. Attached are: results of 29-Jul-99 Hatcher-Sayre Site Characterization Study; REAMS Risk Analysis; groundwater analytical results for 5-03 sampling; 9-Jul-99 Final Scope of Work for Site Investigation at The Peck Company, Portsmouth, Virginia
18-Jun-03	Hatcher, R. F.	Bernard, J.F.	Comments from DEQ and EPA on 28-May-03 Site Characterization Report and 4-June-03 site visit

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Date	Recipient	Sender	Description
18-Jun-03	Hatcher, R.F.	Bernard, J.F.	Letter commenting on 28-May-03 Site Characterization Report and 4-Jun-03 site visit
23-Jun-03	Hatcher, R.F.	Dinardo, Nicholas	Email requesting site visit with representatives of EPA, DEQ, and Peck.
14-Jul-03	Bernard, J.F.	Hatcher, R.F.	Letter regarding 9-Jul-03 meeting with DEQ and EPA, Peck's and Pull-A-Part's commitment to locate, remove and remediate "hot spots"
04-Aug-03	Bernard, J.	Werner, S.G.	Response to DEQ's 18-Jun-03 letter commenting on Site Characterization Report and proposing a sampling program
11-Sep-03	Greene, K.L.	Peck, B.D.	Letter regarding EPA's desire to sample for dioxin contamination at site; briefly discussing previous site operations; and requesting authorization from DEQ to go forward with site remediation
15-Sep-03	Comacho, J.	Werner, S.G.	Email inquiry regarding dioxins in soil -- capping as remediation
15-Sep-03	Cooper, D.	Werner, S.G.	Email listing questions regarding dioxin Werner would like to discuss with Cooper in a 1:30 telephone conversation
22-Sep-03	Rupert, R.	Jackson, M.M.	Memorandum setting out the Elizabeth River Project's position on disputed issues concerning contamination at the Peck site
25-Sep-03	Levetan, S.L.	Bernard, J.F.	Comments from DEQ and EPA on 4-Aug-03 Response to Comments and Proposed Sampling Plan

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Date	Recipient	Sender	Description
09-Oct-03			Agenda for 9-Oct-03 Elizabeth River Project meeting
07-Nov-03	Bernard, J.	Werner, S.G.	Site Characterization Study Addendum -- describes sampling activities between Jun- and Nov-03, analytical testing results and proposed approach to site remediation; attached is 27-Oct-03 memorandum to J. Bernard from S.G. Werner presenting sediments sampling plan
18-Dec-03	Bernard, J.F.	Hatcher, R.F.	Email forwarding colloquy between J.F. Bernard and S. Hahn of NOAA regarding the Peck Property Report addendum, stormwater runoff and the buffer
30-Dec-03	Hatcher, R. F.	Levetan, S.L.	Email forwarding language regarding "Peck 20031211 Review Ltr 1" providing EPA comments and observations of the 7-Nov-03 Peck Site Characterization Report
09-Jan-04	Hatcher, R.F.	Mayfield, M	Email entitled, "Elizabeth River Partnership - Jeopardy?" in which Mayfield forwards an exchange with Don Welsh, EPA Regional Administrator
15-Jan-04	Bernard, J.	Jarvela, S.	EPA's comments on Site Characterization Report
23-Jan-04	Bernard, J.F.	Greene, K.L., et al.	Email forwarding comments and observations on the 7-Nov-03 Peck Site Characterization Report

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Date	Recipient	Sender	Description
06-Feb-04	Bernard, J.F.	Hatcher, R.F.	Email forwarding Bernard's comments to K. Greene regarding EPA's comments and concerns: QA/QC documentation and the vertical investigation area
06-Feb-04	Peck, B.D.	West, T.L., MRC	Acknowledging receipt of application seeking authorization to create wetlands and clear phragmites
13-Feb-04	Bernard, J.F.	Jarvela, S., et al.	Series of emails whereby State requests contact from EPA for Perspective Purchaser Agreement issue; EPA requests point of contact for Pull-A-Part
17-Feb-04	Bernard, J.	Werner, S.G.	Response to EPA's 15-Jan-04 "Characterization Report Review"; attached are: EPA's 15-Jan-04 letter; QA/QC reports for PCB and lead analyses for soil samples; summary of data validation performed by Draper Aden and a response by laboratory to deficiencies identified by Draper Aden
27-Feb-04	Gills, W.	Werner, S.G.	Brownfield Remediation Loan Application submitted on behalf of The Peck Company
09-Mar-04	Jarvela, S.	Bernard, J.F.	Letter stating EPA is satisfied with Draper Aden site characterization and determined the project can proceed to the remediation stage
11-Mar-04	Bernard, J.	Jarvela, S.	Letter stating EPA's position that DEQ is the lead agency for Peck site project and is committed to support DEQ as the remedial action plan proceeds

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Date	Recipient	Sender	Description
12-Mar-04	Hatcher, R. F.	Bernard, J.F	Email colloquy at DEQ regarding Peck's Brownfield's loan application
26-Mar-04	Peck, B.D.	Gills, W.A.	Letter notifying Peck the SWCB approved Brownfield Remediation loan in the amount of \$960,000 contingent upon satisfactory credit analysis by the VRA.
16-Apr-04	Bunker, K.	Bernard, J.F.	Email regarding Bunker's assignment as EPA's project manager of the Peck site
22-Apr-04	Bernard, J.	Bunker, K.	Email requesting DEQ to instruct Peck to submit a self-implementing PCB cleanup plan that complies with 40 CFR 761.61(a)
07-May-04			One page synopsis of Peck Recycling Co.'s history
11-May-04	Welsh, D.S.	Werner, S.G.	Letter enclosing Peck's "Self-Implementing PCB Cleanup Plan"
18-May-04	Hatcher, R.F.	Jarvela, S.	Email stating Jarvela hasn't scheduled trip, but will send access form for owner to sign
15-Jun-04	Werner, S.G.	Bernard, J.F.	Email responding to S. Werner's interpretation of 40 CFR section 761.61 in connection with the Self-Implementing PCB Cleanup Plan. Email also discusses wetlands sampling
16-Jun-04	Baldwin, Bob	Jackson, L.	Email requesting a meeting with Baldwin and/or other City of Portsmouth representatives to discuss the City's concerns or needs in order to move forward with Elm Avenue remediation

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Date	Recipient	Sender	Description
22-Jun-04	Peck, B.D.	Burke, J.J.	EPA's comments on Peck's Notification and Certification, dated 11-May-04, provided pursuant to requirements of the Self-Implementing On-Site Cleanup and Disposal of PCB Remediation Waste Regulation
27-Jun-04	Peck, B.D.	Jarvela, S.	Fax cover sheet attaching access agreement; Jarvela will contact Hatcher to schedule site visit
28-Jun-04	Peck, D.B.	Jarvela, S.	Letter stating EPA wants to conduct sampling at Peck site's wetlands and shoreline along border of property and Paradise Creek. Also attaches Property Access Agreement
29-Jun-04			DRAFT "Sampling and Analysis Plan for the Peck Iron and Metal Site, Portsmouth, Virginia" prepared for EPA by Tetra Tech
29-Jun-04			EPA Region III "Property Access Form" granting EPA and members of response team access to The Peck Company Site to collect samples for PCB and metals analysis
13-Jul-04	Weish, D.S.	Werner, S.G.	Response to EPA Region III's 22-Jun-04 letter to B.D. Peck from J.J. Burke regarding deficiencies in Self-Implementing PCB Cleanup Plan; attached is Revised (12-Jul-04) Site Characterization and Self-Implementing PCB Cleanup Plan

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Date	Recipient	Sender	Description
28-Jul-04	Bunker, K.	Peck, B.D.	Memorandum regarding Peck's former operations at Portsmouth site.
28-Jul-04	Bunker, K.	Werner, S.G.	Email attaching a historical summary of Peck's activities at Elm Avenue which were included in 11-May-04 cover letter to Self-Implementing Cleanup Plan
28-Jul-04	List	Bunker, K., EPA	Email giving status on cleanup plan -- still reviewing amended plan EPA received on 14-Jul-04
16-Aug-04	Hatcher, R. F.	Bernard, J.F.	Email stating Levetan indicates Pull-A-Part is very determined to purchase property
20-Aug-04	Hatcher, R. F.	Bernard, J.F.	Email regarding status of Elm Avenue VRP project
23-Aug-04	Ward, K.	Bernard, J.F.	Email stating Elm Avenue project is moving forward
26-Oct-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 15-Oct-04 communication regarding Self-Implementing PCB Cleanup Plan; attached is Revised (22-Oct-04) Site Characterization and Self-Implementing PCB Cleanup Plan
16-Nov-04	Baldwin, R.A.	Barclay, R.C.	Letter Application for Extension of Use Permit 03-01 by Pull-a-Part of Portsmouth, LLC to operate a motor vehicle recycling facility at 3850 Elm Avenue, owned by The Peck Company, Peck-Portsmouth Recycling Co.
19-Nov-04	Peck, B.D.	Burke, J.J	EPA's response to Peck's Revised Notification and Certification, dated 25-Oct-04

HUNTON & WILLIAMS

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May 10, 2006
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Date	Recipient	Sender	Description
01-Dec-04			Chronology of Primary Activities - Proposed Pull-A-Part, Inc. Site - Elm Avenue, Portsmouth, VA
22-Dec-04	Hatcher, R.F.	EPA, DEQ	Confirming 5-Jan-05 meeting to discuss options available under TSCA and/or CERCLA to move forward on remediation of the Peck site
05-Jan-05			Attendance list of meeting
05-Jan-05			Draper Aden, "The Case for Self-Implementing Site Remediation, Peck Property, Portsmouth, VA," presentation to EPA
20-Jan-05	Peck, B.D.	Webb, J.	Letter proposing that Peck amend its 22-Oct-04 self-implementing cleanup plan to include certain conditions and sampling plans
26-Jan-05	Welsh, D.S.	Werner, S.G.	Letter addressing conditions set out in EPA's 20-Jan-05 letter for self-implementing cleanup plan
01-Feb-05	Peck, B.D.	Webb, J.	Letter approving 22-Oct-04 self-implementing cleanup, subject to conditions set out in EPA's 20-Jan-05 letter
23-Feb-05	Ward, K.	Bernard, J.F.	Email colloquy regarding EPA approval of project; inquiry regarding interest rate for Peck's loan
28-Jun-05	Webb, J.N.	Peck, B.D.	Letter notifying EPA, et al. that Peck is going to stop conducting the PCB cleanup plan
15-Oct-05	Peck, B.D.	Burke, J.J.	EPA's response to Peck's Revised Notification and Certification, dated 13-Jul-04

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Date	Recipient	Sender	Description
07-Dec-05	Sturgeon, R., EPA	Peck, B.D.	Memorandum setting out reasons for withdrawing self-implementing cleanup plan, conclusions of risk assessment, and proposed "closure" plan
08-Dec-05	Peck, B.D. & Gant, Rene	Sturgeon, R.	Response to Peck's Dec-05 letter

8. *Provide information regarding modifications made to the property, including, but not limited to, areas of fill, areas where the topography was modified, areas of burial and/or dumping, and areas of construction and/or demolition.*

RESPONSE:

Peck demolished a building at the entrance to the property at 3500 Elm Avenue in response to a demand by the N&P Beltline. In addition, part of the former Proctor & Gamble masonry building near that entrance was demolished within the last ten years.

Inert material was dumped on the site by various contractors during the past ten years. If trash or suspect material was found, contractors were employed to remove the material for disposal at a landfill. Able Body Demolition spread inert concrete, asphalt, and soil on the property during the past few months. Any suspect soil or other material was to be placed in the area of the buildings where scrap metal processing operations once occurred.

Please also see the response to question 3 above.

9. *Provide all information on the current and recent use of the Site including actions such as, but not limited to, the storage of soils, material or equipment, or modification or movement of soils or sediments located on the Site.*

RESPONSE:

Please see the answer to question 8 above. In addition, during 2005, Able Body Demolition excavated certain areas of soil, moved the materials to the former operations area, and subsequently covered the area with inert materials. Able Body personnel were warned of the

**HUNTON &
WILLIAMS**

Mr. Randy Sturgeon
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Page 22

nature and potential danger of the excavated soil and were instructed about where on the property the soil should be placed.

10. *Provide the names, titles, areas of responsibility, addresses and telephone numbers of all persons that worked at the Site for longer than three years.*

RESPONSE:

Stanley Peck and Aaron Peck worked at the property for a period of time until the early 1990s. Their current addresses and phone numbers are:

Stanley J. Peck

[REDACTED]

Aaron M. Peck

[REDACTED]

Personnel records from the period of active site operations were not retained.

11. *If you have any information about other persons/entities who may have information which may assist the Agency in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the person's entity's name, address, type of business, and the reason(s) why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.*

RESPONSE:

Peck has no additional information responsive to this question.

HUNTON &
WILLIAMS

Mr. Randy Sturgeon
May 10, 2006
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Please contact Roger Hatcher or me if you have questions about this response to the Information Request.

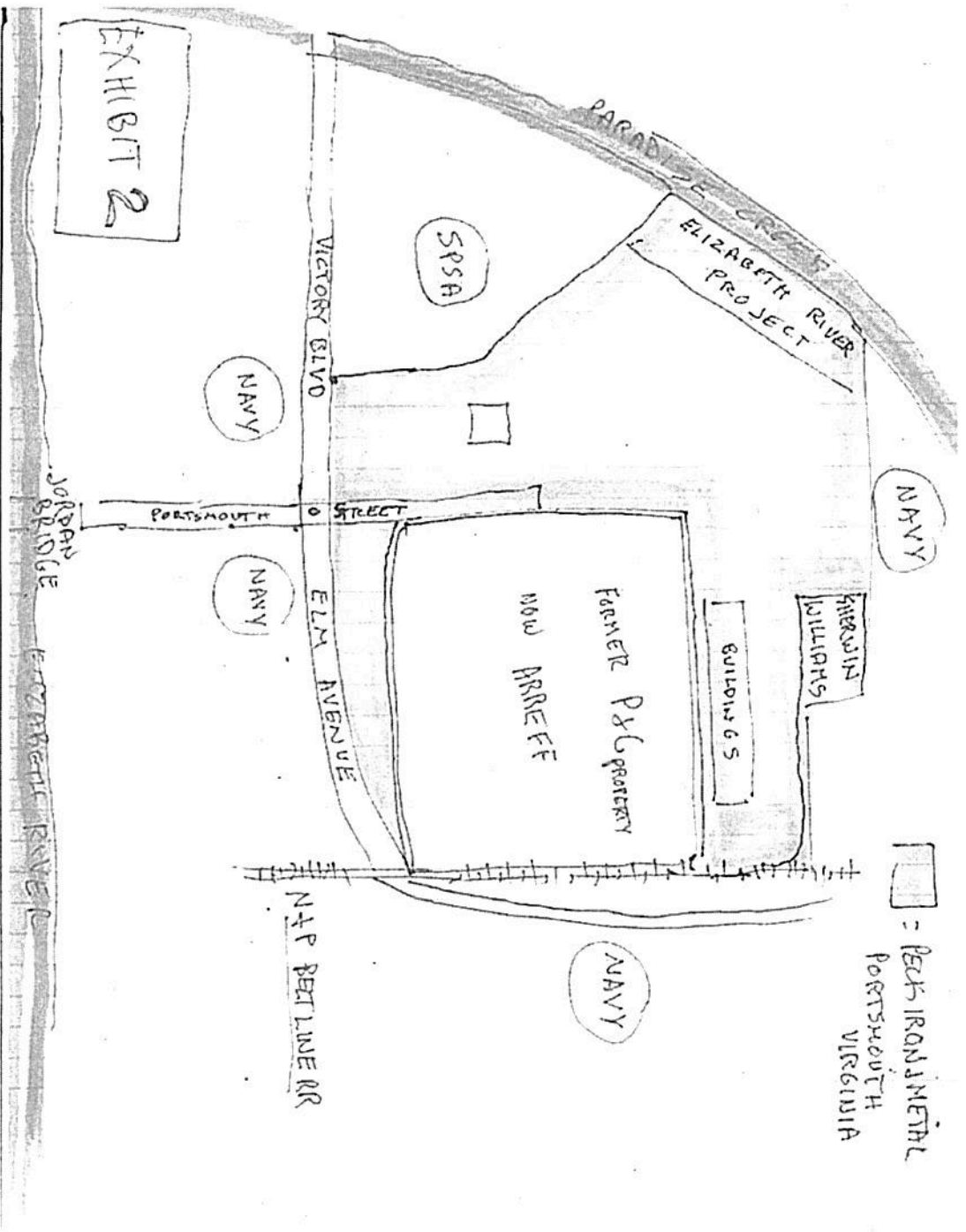
Yours truly,



Dan J. Jordanger
Counsel to The Peck Company

Enclosures

cc: Mr. B. David Peck
Roger F. Hatcher, Ph.D.





Draper Aden Associates

Engineering • Surveying • Environmental Services

8090 Villa Park Drive
Richmond, Virginia 23228
(804) 264-2228 • Fax: (804) 264-8773
daa@daa.com • www.daa.com

E4 3

May 11, 2004

Mr. Donald S. Welsh
Regional Administrator
U.S. EPA – Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Self-Implementing PCB Cleanup Plan
34-Acre Site, Elm Avenue
Portsmouth, Virginia
DAA Project # R03186-01

Dear Mr. Welsh:

This Self-Implementing PCB Cleanup Plan is submitted on behalf of The Peck Company, Richmond, Virginia for the above referenced property. This property has been in the Virginia Department of Environmental Quality's Voluntary Remediation Program for more than a year and we are anxious to return this inactive property to productive use. The remaining issue that has stopped progress on this project concerns PCBs and thus, the reason for submitting the attached Plan.

The site meets all of the criteria for the self-implementing procedures and we believe that the Plan addresses all of the requirements of 40 CFR § 761.61. Prior to reviewing the plan, it is important that EPA understand the history of this property, which is summarized below by the owner, The Peck Company.

Peck Recycling Co., Inc. bought, sold, and processed metal scrap for fifty years from different locations. The metal came from industrial plants, farms, auto parts yards, Federal Government (e.g. military bases); State (e.g. Highway Dept.) and Local (e.g. Police Dept.) agencies.

The metal scrap was purchased after several careful inspections. Trained inspectors looked at the material at the sellers' operation, upon arrival, when weighed, when unloaded, when processed, when stored, and when shipped. Upon being unloaded it was visually, if not manually separated into more than 40 different categories.

Mr. Donald Welsh
U.S EPA - Region III
May 11, 2004
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The material was checked for radioactivity. Rejections were immediate if any hazardous or toxic material or substance were suspected. For example, 150,000 lbs. of material from a military base were rejected when the base could not definitely identify the liquid in the containers; DuPont had to take back 55-gallon drums when Peck was not satisfied with the stenciled markings on the containers; a railroad tank car from Allied Chemical was not accepted when Peck inspectors detected a noxious odor; Philip Morris (e.g. engines with lubricant drippings) material rejected; etc.

Transformers were not accepted from any sellers with the sole exception of a company that processed them. It removed the laminated steel, wires, copper and oil; then it triple rinsed them before delivery.

The Peck Recycling Company's primary concerns were its employees, its customers (the buyers), and its facilities and grounds. Its record is plain to see. None of its hundreds of employees ever reported or complained of handling or being affected by any hazardous or toxic material. Not one of the thousands of consumers ever reported or complained about discovering any substance that might be hazardous or toxic. Every buyer was very carefully looking for PCB, benzene, heavy metals, hydrocarbons, asbestos, and any attachments or substances that might cause problems.

The continuous training of all Peck employees as inspectors and material handlers had clear results. Peck regularly received a rebate of 25% from its insurance carrier for its extraordinary safety record and procedures. Note that every month Peck handled (i.e. received, unloaded, processed, stored, shipped) more than 100 million pounds of metals.

It is also noteworthy that Peck's operations were in five different cities covering more than 120 acres (Eastern Shore, Danville, Woodford, Portsmouth, Richmond). Upon the sale of the Peck operations in 1997, the properties were closely examined. More than \$100,000 was spent in Phase II activities by independent environmental groups. The only PCB discoveries were on less than 1% of the property although 95% of the properties were used in operations. And the 1% area was where material from military bases was processed until 1969.

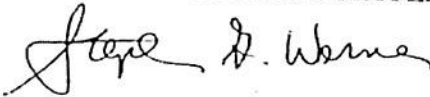
The property owner, The Peck Company, and the prospective purchaser/developer, Pull-A-Part, Inc. have responded to all of the EPA and DEQ requests and unfortunately, feel that progress has again been delayed. EPA's prompt review and approval of this Plan is greatly appreciated.

Mr. Donald Welsh
U.S EPA - Region III
May 11, 2004
Page 3

Any questions concerning this closure plan should be directed to either Dr. Roger F. Hatcher (804-492-9458) or me (804-261-2937).

Sincerely,

DRAPER ADEN ASSOCIATES

A handwritten signature in cursive script, appearing to read "Steve G. Werner".

Stephen G. Werner, P.G.
Director of Environmental Services

Attachment (2)

cc: Dr. Roger F. Hatcher
B. David Peck
James Bernard, DEQ
Steven L. Levetan, Pull-A-Part, Inc.

INTERVIEW SUMMARY
Task Order 0001 Site 24
Peck Iron and Metal Site

Raymond L. Gottlieb

Prepared for:

U.S. Environmental Protection Agency
Region 3
Enforcement Support Services
Hazardous Site Cleanup Division
1650 Arch Street
Philadelphia, PA 19103

Prepared by:

Chenega Integrated Systems, LLC
5911 Kingtowne Village Pkwy
Suite 300
Alexandria, VA 22315

Work Assignment Number:
Date Submitted:
Contract Number:
EPA Work Assignment Manager:
Telephone Number:
Chenega Project Manager:
Telephone Number:
Interviewer:

Task Order 0001 Site 24
December 29, 2008
EP-S3-04-01
Joan Martin-Banks
(215) 814-3156

(b) (4)

A large black rectangular redaction box covers the bottom right portion of the page, obscuring the names and contact information of the interviewees.

Name: Raymond L. Gottlieb (WITNESS)
(b) (6)
Affiliation: Former Employee/Peck Iron and Metal Company
(b) (6)
Telephone:
Type of Interview: In-Person
Date of Interview: December 10, 2008

On December 10, 2008 the WITNESS was interviewed at his place of employment at (b) (4)

(b) (4)
Senior Investigator, of (b) (4) The WITNESS was interviewed as part of the Potentially Responsible Party search currently being conducted under Task 0001, Site 24, the Peck Iron and Metal Site, Portsmouth, VA (the "Site.") The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked, and that the interview was voluntary. The WITNESS stated that he is not represented by an attorney in this matter and did not want an attorney present. No other persons were present and this interview was not tape-recorded.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was asked to explain any association he had with the Peck Iron and Metal (PIM) Site located in Portsmouth, VA.

The WITNESS stated that he was employed by PIM from 1958 to 1983. The WITNESS stated that PIM was a scrap metal yard and that his primary responsibility was to accept bids and write responses to bids for the purchase and/or sale of scrap metal. The WITNESS stated that he was not a manager at PIM and did not supervise any PIM employees.

The WITNESS explained that Julius Peck was the owner/operator of PIM. The WITNESS stated that Julius's two sons, Barry and Aaron worked at PIM and were primarily responsible for evaluating the value of scrap metal PIM was either purchasing or selling. Barry and Aaron were also responsible for the separation and inventory of the scrap.

The WITNESS stated that Barry was assigned to the Peck Iron and Metal location in Richmond, VA in the early 1960s.

When asked if there was a Victor Peck working at PIM, the WITNESS provided the following.

The WITNESS stated that Victor was a nephew of Julius and worked at the Richmond location. The WITNESS stated that Victor died in a car accident in the late 1960s. The WITNESS stated that Victor was approximately 35 years old when he died.

The WITNESS stated that Julius's brother, William Peck, also worked at PIM. The WITNESS stated that William Peck operated the scale house.

When asked to describe how PIM was operated, the WITNESS provided the following.

The WITNESS stated that PIM was located at 3500 Elm Street, Portsmouth, VA. The WITNESS stated that a scale house and office was located at the entrance of PIM.

The WITNESS explained that PIM accepted scrap metal from private customers as well as large corporations. The WITNESS explained that any scrap that had not been bid on in bulk would enter the PIM yard by the scale house.

The WITNESS explained that a full truck was weighed when the truck entered, and then weighed again after the truck's load was dumped. The WITNESS stated that the truck driver was paid based on the weight of the scrap.

When asked if there was any records used at the scale house, the WITNESS stated yes and provided the following.

The WITNESS stated that the scale house utilized a three copy weight ticket. The WITNESS stated that the weight ticket contained the truck drivers' name, truck tag number, weight of truck and a description of the contents of the truck. This ticket would also contain the weight of the truck empty and the amount to be paid by PIM for the load. The WITNESS further explained that William Peck kept one copy of the completed weight ticket. The truck driver would then present one of the two remaining weight tickets to a clerk in the office and the driver would be paid by this clerk.

When asked the names of the clerks that worked in the scale house, the WITNESS provided the following.

- Christine T. Perry

The WITNESS was unable to recall any other names of clerks.

When asked if the truck driver was paid in cash, the WITNESS stated the customers were paid by cash and check. The WITNESS stated that the type of payment was at the request of the customer.

The WITNESS explained that William Peck would inspect the type of waste in each load that entered PIM and the amount of payment would depend on the weight of the load and the type of the scrap.

When asked where these records were stored, the WITNESS stated that he does not know.

When asked where the records were kept for purchases, bids, employee records and any contracts, the WITNESS stated that these records would be kept in the office.

When asked the names of the employees who worked in the office, the WITNESS provided the following.

(b) (6) The WITNESS stated that (b) (6) was the office manager and was responsible for all records.

(b) (6) (female): The WITNESS stated that (b) (6) was a clerk in the office.

The WITNESS stated that he cannot recall the names of other individuals who worked in the office. The WITNESS stated that the main office was a tin building located next to the concrete pad that was used to separate scrap. (The WITNESS sketched out the Site. A copy of this sketch is attached.)

The WITNESS stated that a portion of PIM was rented by PIM from the Navy. The WITNESS identified the location of this land on the attached sketch.

The WITNESS stated that Proctor and Gamble Company owned much of the land surrounding PIM. The WITNESS stated that in the late 1960s, PIM purchased this property from Proctor and Gamble.

The WITNESS stated that PIM also received scrap from a railroad system known as the Norfolk-Portsmouth Belt Railroad. The WITNESS stated that gondola cars were operated on this railroad and that PIM received bulk scrap from the Norfolk Navy Ship Yard in the gondola cars.

When asked to identify the types of waste that PIM accepted and to identify the companies associated with the waste, the WITNESS provided the following.

The WITNESS stated that he was primarily involved in bidding for bulk purchases from the Norfolk Navy Yard. The WITNESS stated that the bidding process and the awarding of bids were channeled through the Defense Logistics Command.

The WITNESS stated that from 1958 to approximately 1965, either the WITNESS or Julius, Aaron or Berry Peck would inspect the items on bid and would establish a price for the bid. The WITNESS stated that in approximately 1965, the Defense Logistics Command ("DLC") changed the process and no longer allowed bidders to inspect the items up for bid.

The WITNESS explained that the DLC would publish bid sheets itemizing the contents of each item in the bulk scrap. The WITNESS stated that PIM would then decide on a price for the items. The WITNESS described the bid sheet as indicating the percent of the items

making up the purchase. As an example, the WITNESS stated that the DLC bid sheet would indicate 10% cooper, 5% steel, etc.

The WITNESS stated that once awarded to PIM, they would discover that all of the items were not present or the bulk scrap was short certain items. The WITNESS indicated that when shortages occurred, PIM would appeal the purchase through channels and attempt to lower the price paid. The WITNESS stated that PIM also litigated the award occasionally.

The WITNESS stated that scrap coming from the Norfolk Navy Ship Yard was the single largest source of scrap. He indicated that PIM received thousands of tons of scrap and described the following as the primary waste.

- Steel: Steel from the sides and hull of dismantled ships. Some of this steel would contain lead based paint.
- Pipes: The WITNESS stated that most of the piping received from the Navy Yard were from dismantled ships and that the pipes were painted with lead based paint.
- Cooper: Cooper from dismantled ships.
- Aluminum: Aluminum from dismantled ships.
- Generators: The WITNESS stated that PIM sold the generators to Earl Industries.

The WITNESS stated that from 1958 to approximately the early 1970s, the Norfolk Navy Yard mixed in all types of waste that would be taken from a ship including asbestos from piping and transformers. The WITNESS stated that in approximately 1970 the Navy separated electrical components from the scrap that was put out for bid.

When asked if the WITNESS was aware of an item known as groat, the WITNESS stated no.

The WITNESS was asked if the Peck family operated any other locations. The WITNESS stated yes, and provided the following.

- Gas station on Victory Road, Portsmouth, VA: The WITNESS stated that Julius Peck rented an old gas station located on Victory road. The WITNESS stated that this gas station was used to store heavy equipment and to rent heavy equipment.
- Pinners Point: the WITNESS stated that the Peck's operated Commonwealth Metals from this location. The WITNESS was not familiar with the Commonwealth Metals operations.

When asked the names of other generators, whose waste was received by PIM, the WITNESS provided the following.

- DuPont Company: The WITNESS stated that there was a DuPont plant in Richmond VA and that scrap was accepted by the Peck operation in Richmond.
- Alcoa: the WITNESS stated that Alcoa waste was purchased by PIM. The WITNESS stated that Alcoa scrap was transported to the Richmond VA Site.

- GATX Corporation: The WITNESS stated that PIM received cut up railroad cars from GATX. The WITNESS stated that this was mostly scrap steel, however some transformers were included.
- Phillip Morris: The WITNESS stated that Peck received Phillip Morris scrap at the Richmond facility. The WITNESS stated that he does not know the contents of this waste.
- Potomac Electric Power ("PEPCO"): The WITNESS stated that PIM received steel, wire, cooper and some transformers from PEPCO. The WITNESS does not know if the electrical transformers had been drained.
- Southeastern Public Service Authority ("SPSA"): The WITNESS stated that PIM received waste from SPSA which was mostly household waste. The WITNESS stated that the waste was separated and metals were salvaged.
- Virginia Electric & Power Company ("VEPCO"): The WITNESS recalled obtaining bids with VEPCO for boilers, generators and transformer wires. The WITNESS does not recall if transformers were included.
- Continental Can: The WITNESS stated that all scrap from Continental Can was transported to the Richmond facility.
- Overhead Door Company: The WITNESS stated that PIM received motors from this Company.

The WITNESS reiterated that his primary duties were to work with the military and he was not as familiar with other companies that PIM had as customers.

The WITNESS was asked if he had any knowledge of the following companies waste or scrap being sold to PIM or disposed at the PIM facility in Portsmouth, VA.

ABB National Industries, Hampton, VA: Could not recall.

Alcoa (Reynolds): See comments above.

American Gem Corporation, Chesapeake, VA: Could not recall.

Anheuser-Busch, Inc., Williamsburg, VA: Could not recall.

Argent Marine, Solomons, MD: Could not recall.

Associated Naval Architects, Inc, Portsmouth, VA: Could not recall.

CSX Transportation CO, Charlotte, NC: Could not recall.

Electric Motor and Contracting Co., Chesapeake, VA: Could not recall.

Ford Motor Company, Norfolk, VA: Could not recall.

General Electric Company, Richmond, VA: Could not recall.

General Foam Plastics Corp., Norfolk, VA: Could not recall.

General Motors Corporation: Could not recall.

Gwaltney Company, Portsmouth, VA: Could not recall.

Newport News Shipbuilding and Dry Dock Co., Newport News, VA: Could not recall.
Norfolk Shipbuilding and Dry Dock, Co., Norfolk, VA: Could not recall.
Overhead Door Company, Virginia Beach, VA: See comments above.
Phillip Morris, Inc., Richmond, VA: See comments above.
Plasser America, Chesapeake, VA: Could not recall.
Potomac Electric Power Co., Washington, D.C.: See comments above.
Power Mechanical, Inc., Hampton, VA: Could not recall.
Southeastern Public Service authority, Chesapeake, VA: See comments above.
Sumitomo Machinery Corp., Chesapeake, VA: Could not recall.
U. S. Navy, Norfolk, VA: See comments above.
AMF Bowling: Richmond, VA: Could not recall.
Alcatel-Lucent, Murry Hill, NJ: Could not recall.
Brenco, Petersburg, VA: Could not recall.
Carolina Steel Corporation, Greensboro, NC: Could not recall.
Chesapeake, Corporation, Richmond, VA: Could not recall.
Dean Foods, Dallas Texas: Could not recall.
E.I. DuPont de Nemours and Company, Wilmington, DE: See comments above.
Federal-Mogul Corporation, Southfield, MI: Could not recall.
GATX Corporation, Chicago, IL: See comments above.
The Hon Company, Muscatines, IA: Could not recall.
IGM USA Inc., Charlotte, NC: Could not recall.
Kraft Foods, Northfield, IL: Could not recall.
Norfolk Southern Corporation, Norfolk, VA: Could not recall.
Pizzagalli Construction Company, Garner, NC: Could not recall.
Schlumberger Industries, Houston, TX: Could not recall.
Seaboard Marine, Miami, FL: Could not recall.
Stanley Hardware, New Britain, CT: Could not recall.
Super Radiator Coils, Richmond, VA: Could not recall.
Waste Management (Chambers Waste Systems of Virginia): Could not recall.
Windor Supply & Mfg., Inc., Tulsa, OK: Could not recall.

The WITNESS stated that many of the companies mentioned above could have been customers of PIM. The WITNESS indicated that he could not recall any specifics at the present time.

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____
(Date)

Signed _____
(Name)

1/11/18

Rented from
Gov (navy)

Concrete
Block

Tin
Belly

Purchased from
Gov

Pt 6

SCALE

Box 66in

3500

Jermain
Goffe

1/11/18

Elm

use of park - boats with boat pen

Pt 6

Victory

1/11/18

RAY GOTTLEB
12/10/18

Interviewer's Comments and Suggested Follow-up Interviews

Interviewer Comments: The WITNESS v (b) (6)

(b) (6)

I have attached the sketch drawn by the WITNESS as part of this summary.

The WITNESS stated that he would sign a copy of this interview summary.

When asked if he wanted his name kept confidential [REDACTED] the WITNESS stated that he does not care.

Suggested follow-up Interviews:

- [REDACTED]
- [REDACTED]
- Christine Perry

INTERVIEW SUMMARY

Task Order 0001 Site 24

Peck Iron and Metal Site

Christine Perry

Prepared for:

U.S. Environmental Protection Agency

Region 3

Enforcement Support Services
Hazardous Site Cleanup Division
1650 Arch Street
Philadelphia, PA 19103

Prepared by:

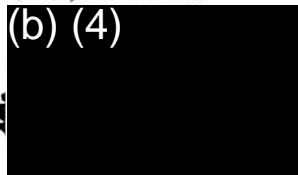
Chenega Integrated Systems, LLC

5911 Kingtowne Village Pkwy
Suite 300
Alexandria, VA, 22315

Work Assignment Number:
Date Submitted:
Contract Number:
EPA Work Assignment Manager:
Telephone Number:
Chenega Project Manager:
Telephone Number:
Interviewer:

Task Order 0001 Site 24
January 20, 2009
EP-S3-04-01
Joan Martin-Banks
(215) 814-3156

(b) (4)

A large black rectangular redaction box covers the bottom right portion of the page, obscuring the names and contact information of the interviewees.

Name: Christine Perry (WITNESS)
(b) (6)

Affiliation: Former Employee/Peck Iron and Metal Company
(b) (6)

Telephone: (b) (6)

Type of Interview: In-Person

Date of Interview: January 12, 2009

On January 12, 2009 the WITNESS was interviewed at her residence by (b) (4) Senior Investigator, of (b) (4). The WITNESS was interviewed as part of the Potentially Responsible Party search currently being conducted under Task 0001, Site 24, the Peck Iron and Metal Site, Portsmouth, VA (the "Site.") The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked, and that the interview was voluntary. The WITNESS stated that she is not represented by an attorney in this matter and did not want an attorney present. The husband of the WITNESS, Shirley Perry, was also present during this interview.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was asked to explain any association she had with the Peck Iron and Metal (PIM) Site located in Portsmouth, VA.

The WITNESS stated that she was employed by PIM from 1954 to 1983. The WITNESS stated that she worked at the PIM facility located on Elm Street in Portsmouth, VA.

When asked to describe her duties while employed by PIM, the WITNESS provided the following.

The WITNESS stated that she worked in the office at PIM as a secretary. The WITNESS stated that she typed, filed, paid bills and was one of the clerical employees who wrote checks to vendors who had sold scrap metal to PIM.

The WITNESS explained that the office she worked in was in the same building as the scale house, which was located at the entrance to the PIM Site. The WITNESS explained that trucks transporting scrap metal entering the PIM Site were weighed at the scale house. The WITNESS stated that after disposing of their contents, the trucks returned to the scales and weighed empty. The WITNESS stated that the weight of the contents of the truck was noted on a "weigh Ticket." The WITNESS stated that the PIM employee who weighed the truck also inspected the contents in order to identify the contents of the trucks. The WITNESS stated that the contents of the truck were also noted on the weigh ticket.

The WITNESS further explained that when the weigh ticket was completed the truck driver came into the office and presented the ticket to the WITNESS or one of the other clerical employees. The WITNESS stated that she was provided with a chart that would depict the current price of the metals that were purchased by PIM. She would then pay the truck driver with a PIM check for these metals based on the value established on the chart. The WITNESS indicated that the chart identified the metals with the price next to the name.

When asked the names of the PIM employees who worked at the scale house, the WITNESS provided the following.

- William Peck: The WITNESS stated that William Peck was the brother of Julius Peck. The WITNESS stated that William Peck is deceased.

(b) (6) The WITNESS stated that (b) (6) may be deceased.

When asked the names of the PIM employees who worked in the office, the WITNESS provided the following.

- (b) (6)
- (b) (6) The WITNESS stated that (b) (6)

The WITNESS stated that she does not recall the names of other employees who worked in the office. The WITNESS indicated that there were other office employees; however the WITNESS was unable to recall any further names.

When asked how the metals were listed, the WITNESS provided the following.

- Steel
- Aluminum
- Cooper
- Brass
- Ferrous and non ferrous metals.

The WITNESS stated that she cannot recall other identifications.

The WITNESS explained that any scrap metal purchased in bulk by PIM was not weighed when entering the PIM Site. The WITNESS stated that the PIM Site was dissected by a railroad spur and that bulk scrap was also delivered to PIM by railroad. The WITNESS explained that all of the scrap that entered PIM by railroad cars was not weighed. The WITNESS stated that most of the scrap transported by railroad cars to PIM contained bulk purchases.

When asked the location of records relating to the PIM bulk purchases, the WITNESS stated that she does not know.

The WITNESS explained that copies of all of the weigh tickets originating from the scale house were filed in the office where she worked.

When asked if these records were ever destroyed, the WITNESS stated that she does not know.

When asked if she recalls any companies selling electrical transformers or electrical motors to PIM, the WITNESS stated that she would not know and explained the following.

The WITNESS stated that if a truck brought in motors, transformers or any other type of contained item, the scale house employee would not describe the item as a motor, etc. The WITNESS stated that the scale house employee would identify the type of scrap that could be retrieved from the item, such as steel, cooper, etc., and the weight for each metal.

When asked to identify the companies whose scrap was purchased through the scale house as opposed to the bulk scrap, the WITNESS stated that she cannot recall all of the companies but provided the following names that she does recall. The WITNESS also stated that she cannot recall the amount of scrap or the volume of scrap disposed at PIM by these companies.

- Alcoa: The WITNESS stated that Alcoa was a regular customer and sold aluminum to PIM.
- Associated Naval Architects: The WITNESS could not recall the types of scrap sold to PIM by this company.
- Overhead Door Company: The WITNESS stated that Overhead Door Company was a frequent customer of PIM and sold scrap steel. The WITNESS could not recall if this company sold motors.
- Virginia Electric & Power Company (VEPCO): The WITNESS stated that VEPCO was a regular customer. The WITNESS recalls steel as one of the items VEPCO sold to PIM. When asked if she was aware of PIM taking VEPCO to court, the WITNESS stated she has no knowledge.
- Potomac Electric Power (PEPCO): The WITNESS stated that PEPCO was a regular customer.
- Nassau Metals: The WITNESS stated that Nassau Metals was also a regular customer. The WITNESS does not recall the type of scrap that Nassau Metals sold to PIM.

The WITNESS stated that there were many more customers that brought scrap into PIM however she cannot recall any further names at this time. The WITNESS agreed to advise me of any further customer names that come to her.

The WITNESS was asked if PIM had a smelting operation on the PIM Site. The WITNESS stated that the only thing she was aware of was a shearer that was located in the east end of the Site. The WITNESS stated that this shearer was used to cut up large pieces of metal. The WITNESS stated that she almost never went to any of the outside areas of the Site and had no further knowledge of the Shearer operation.

When asked the names of other companies that were owned and operated by the Peck family, the WITNESS stated that she was aware of a Peck scrap yard located in Richmond, VA. The WITNESS stated that Julius Peck also operated an equipment company and a company known as Commonwealth Metals. The WITNESS stated that she has no other knowledge of these companies. The WITNESS stated that any files for these companies were probably not kept at the PIM Site.

When asked the names of any of the truck drivers who were employed by PIM, the WITNESS stated that she can only recall one name and provided the following.

(b) (6)

The WITNESS explained that she would only be aware of the scrap that was purchased by PIM that came through the scale house.

The WITNESS stated that any scrap that was purchased by PIM in bulk, by contract or from torn down buildings were not weighed at the scale house. Payment for this type of scrap was handled by Julius Peck.

The WITNESS stated that much of the scrap that was delivered to PIM by railroad car was from the Norfolk Navy Ship Yard.

The WITNESS was asked if she had any knowledge of the following companies waste or scrap being sold to PIM or disposed at the PIM facility in Portsmouth, VA.

ABB National Industries, Hampton, VA: Cannot recall.
Alcoa (Reynolds): See comments above.
American Gem Corporation, Chesapeake, VA: Cannot recall.
Anheuser-Busch, Inc., Williamsburg, VA: Cannot recall.
Argent Marine, Solomons, MD: Cannot recall.
Associated Naval Architects, Inc., Portsmouth, VA: See comments above.
CSX Transportation Co, Charlotte, NC: Cannot recall.
Electric Motor and Contracting Co., Chesapeake, VA: Cannot recall.
Ford Motor Company, Norfolk, VA: Cannot recall.
General Electric Company, Richmond, VA: Cannot recall.
General Foam Plastics Corp., Norfolk, VA: Cannot recall.
General Motors Corporation: Cannot recall.
Gwaltney Company, Portsmouth, VA: Cannot recall.
Newport News Shipbuilding and Dry Dock Co., Newport News, VA: Cannot recall.
Norfolk Shipbuilding and Dry Dock Co., Norfolk, VA: Cannot recall.
Overhead Door Company, Virginia Beach, VA: See comments above.
Phillip Morris, Inc., Richmond, VA: Cannot recall.
Plasser America, Chesapeake, VA: Cannot recall.
Potomac Electric Power Co., Washington, D.C.: See comments above.
Power Mechanical, Inc., Hampton, VA: Cannot recall.
Southeastern Public Service Authority, Chesapeake, VA: Cannot recall.

Sumitomo Machinery Corp., Chesapeake, VA: Cannot recall.
U. S. Navy, Norfolk, VA: See comments above.
AMF Bowling, Richmond, VA: Cannot recall.
Alcatel-Lucent, Murry Hill, NJ: Cannot recall.
Brenco, Petersburg, VA: Cannot recall.
Carolina Steel Corporation, Greensboro, NC: Cannot recall.
Chesapeake Corporation, Richmond, VA: Cannot recall.
Dean Foods, Dallas, Texas: Cannot recall.
E.I. DuPont de Nemours and Company, Wilmington, DE: Cannot recall.
Federal-Mogul Corporation, Southfield, MI: Cannot recall.
GATX Corporation, Chicago, IL: Cannot recall.
The Hon Company, Muscatines, IA: Cannot recall.
IGM USA Inc., Charlotte, NC: Cannot recall.
Kraft Foods, Northfield, IL: Cannot recall.
Norfolk Southern Corporation, Norfolk, VA: Cannot recall.
Pizzagalli Construction Company, Garner, NC: Cannot recall.
Schlumberger Industries, Houston, TX: Cannot recall.
Seaboard Marine, Miami, FL: Cannot recall.
Stanley Hardware, New Britain, CT: Cannot recall.
Super Radiator Coils, Richmond, VA: Cannot recall.
Waste Management (Chambers Waste Systems of Virginia): Cannot recall.
Windor Supply & Mfg., Inc., Tulsa, OK: Cannot recall.

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____
(Date)

Signed _____
(Name)

Interviewer's Comments and Suggested Follow-up Interviews

Interviewer Comments: (b) (6)

(b) (6)

when asked if she wanted her name kept confidential (b) (6) the WITNESS
stated that she does not care.

Suggested follow-up Interviews:

(b) (6)



A PHI Company

Legal Services

800 King Street
Wilmington, DE 19801

P.O. Box 231
Wilmington, DE 19899-0231

ORIGINAL

September 12, 2008

VIA FEDERAL EXPRESS #798010529653

Ms. Joan Martin Banks (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2039

Re: Peck Iron and Metal Site
Portsmouth, Virginia

Dear Ms. Franks:

Potomac Electric Power Company ("Pepco") hereby responds to the U.S. Environmental Protection Agency's (USEPA) June 12, 2008 request for information regarding the Peck Iron and Metal Site in Portsmouth, Virginia pursuant to USEPA's authority under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act. 42 U.S.C. § 9604(e). In a July 9, 2008 e-mail Mr. John Monsees, EPA's Office of Regional Counsel, granted Pepco's request for an extension of time to respond. In a July 9, 2008 e-mail, Pepco agreed to respond on or before September 15, 2008.

In providing this response, Pepco objects to each and every question to the extent that it seeks (1) information that is protected from discovery by the attorney-client privilege, work-product doctrine, or other privilege available under law (no information is being withheld on this basis at this time); (2) seeks to impose obligations on Pepco that are different from or beyond those required by applicable law; or (3) seeks to require investigation beyond what is likely to lead to the discovery of relevant information.

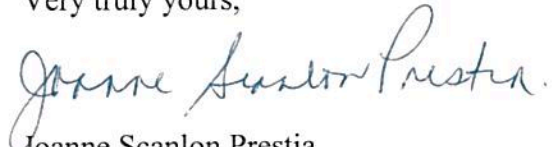
Pepco will supplement this response if Pepco becomes aware of additional information that is responsive to USEPA's request.

Ms. Joan Martin Banks
U.S. Environmental Protection Agency
Page Two
September 12, 2008

ORIGINAL

Please contact me (302-429-3144) if you have any questions regarding this response.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Joanne Scanlon Prestia". The signature is fluid and cursive, with the first name "Joanne" being the most prominent.

Joanne Scanlon Prestia
Counsel for Pepco

Enclosure

ORIGINAL

QUESTION NO. 1

List all shipments of scrap materials, including scrap metal, which your company has sent to the Site. Include the date for each transaction, the type and quantity of scrap metal sent, the amount paid or collected in connection with each transaction, the method of payment, and identity of the person making or receiving payment.

Response

Pepco has not located any documents and has no other information to indicate that Pepco sent scrap materials, including scrap metal to the Site.

QUESTION NO. 2

For each shipment of scrap material identified in response to Question 1 above, identify:

- a. the source of the scrap material;*
- b. the prior use of the scrap material;*
- c. whether the scrap material was a collection of homogenous materials;*
- d. whether the scrap material was tested for any hazardous substances prior to shipment to Peck Iron and Metal Co.*

Response

Not Applicable.

QUESTION NO. 3

At the time of the transaction(s) involving scrap materials listed in your response to Question 1(a), what was the extended disposition of the scrap materials at the Site?

Response

Not Applicable.

ORIGINAL

QUESTION NO. 4

Did a market exist for the scrap metal listed in your response to Question 1, above? If so, describe the nature of such market at the time of the transaction (possible uses, possible consumers, etc.) and the source of that commercial specification grade (e.g., ISRI, Department of Defense, or wherever your company would find the grade published).

Response

Not Applicable.

QUESTION NO. 5

What commercial specification grade did the scrap metal listed in your response to Question 1(a) meet? Identify/list the commercial specification grades that each scrap metal identified in 1(a) met.

Response

Not Applicable.

QUESTION NO. 6

After sale, transfer, delivery, or disposal, what portion of the scrap metal listed in your response to Question 1(a) was to be made available for use as a feedstock for the manufacturing of new saleable products? Explain how the portion identified in this answer was derived or calculated.

Response

Not Applicable.

QUESTION NO. 7

Could the scrap metal listed in your response to Question 1(a) have been used as a replacement or substitute for a virgin raw material? If so, provide details.

Response

Not Applicable.

ORIGINAL

QUESTION NO. 8

Could any products to be made from the scrap metal listed in your response to Question 1(a) have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.

Response

Not Applicable.

QUESTION NO. 9

Did your company process any of the scrap materials sent to Peck Iron and Metal Co. prior to transport and delivery to the Site? If yes, describe the process used and the purpose for subjecting the scrap material to the process.

Response

Not Applicable.

QUESTION NO. 10

Was the transaction between your company and Peck Iron and Metal Co.: 1) an outright sale; 2) the subject of a written or verbal "tolling" agreement between the companies; or 2) the "banking" of the transacted material in a metal account at the request of your company for return or other disposition at a later date.

Response

Pepco has not located any documents and has no other information regarding a transaction between Pepco and Peck Iron and Metal at the Site. Pepco identified two Pepco sales slips which indicate that Pepco (1) sold a scrap steel waste tank to Peck Recycling Company, 3220 Deepwater Terminal Road, Richmond, Virginia (No. 06463, dated 9/5/90; Attachment 1 hereto) and (2) sold scrap iron/steel from coal yard to Peck Metal Recycling, 3220 Deepwater Terminal Road, Richmond, Virginia (No. 06899, dated 3/27/91; Attachment 2 hereto). Based on these sales slips, Pepco believes, but is not able to confirm, that the transactions with (1) Peck Recycling in Richmond, Virginia and (2) Peck Metal Recycling in Richmond, Virginia were outright sales. The transactions represented by these sales slips were not with the Site that is the subject of EPA's June 12, 2008 request for information.

ORIGINAL

QUESTION NO. 11

Did your company have a basis for believing that the scrap materials listed in your response to Question 1(a) would be recycled? If not, what was that basis? Provide supporting documentation.

Response

Not Applicable.

QUESTION NO. 12

Describe all efforts (i.e., site visits) taken by your company to determine what would be done with the scrap materials identified in your response to Question 1(a) that may have been sold, transferred, or delivered to Peck Iron and Metal Co. at the Site.

Response

Not Applicable.

QUESTION NO. 13

What steps (e.g., internal procedures, Federal, state, and local compliance inquiries) were taken by your company to ensure that Peck Iron and Metal Co., the recipient of the scrap materials listed in your response to Question 1(a), was in compliance with applicable Federal environmental regulations or standards, and any amendments, with respect to the scrap materials it received from your company?

Response

Not Applicable.

QUESTION NO. 14

Did your company have any basis for believing that the Peck Iron and Metal Co. facility at the Site was in compliance with substantive provisions of any Federal, state, or local environmental laws or regulations, or compliance order or decree applicable to the handling, processing, reclaiming, storage, or other management activities associated with the scrap materials listed in your response to Question 1(a)? If so, identify that basis and provide supporting documentation.

Response

Not Applicable.

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QUESTION NO. 15

Describe the efforts your company undertook with respect to the management and handling of the scrap materials listed in your response to Question 1(a), including the handling of the scrap materials listed in your response to Question 1(a), including the extent to which you complied with customary industry practices current at the time of the transaction designed to minimize contamination of the scrap materials by hazardous substances.

Response

Not Applicable.

QUESTION NO. 16

Provide all information in your possession that shows that you were in compliance with applicable Federal environmental regulations or standards regarding the storage, transport, management, or other activities associated with the scrap materials listed in your response to Question 1(a).

Response

Not Applicable.

QUESTION NO. 17.

Identify the person(s) answering these questions and requests for copies of documents on behalf of your company.

Joanne Scanlon Prestia
Special Counsel
Pepco Holdings, Inc.

QUESTION NO. 18

For each Request, identify all persons consulted in the preparation of the answer.

Response

In preparing the answers to the requests in EPA's June 12, 2008 request for information, the persons listed below were consulted.

Sam Appuglies
Aretha Calloway
Denise Campbell
Earl Keicher
Robert Murphy

ORIGINAL

Robert Nelson
Ronald Studds

QUESTION NO. 19

For each Request, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Request and provide true and accurate copies of all such documents.

Response

In preparing the answers to EPA's June 12, 2008 request for information, Pepco consulted, examined or referred to a variety of documents. Specifically, Pepco searched:

1. SAP Billing System, Special Billing Customer List, 2004 to July 2008
2. Miscellaneous Accounts Receivable System (MARS) All Time Invoices by Customer Name dated 9/17/03; SAP replaced MARS in 2004
3. Accounts Payable records
4. Materials Management Information System (MMIS)
5. EPOCH Database, 1/30/07 to July 2008 (environmental compliance software for tracking RCRA and TSCA regulated materials)
6. HWS database, 1994 to 1/30/07 (predecessor to EPOCH Database)
7. Paper records in files labeled "Copies of Sale Slips", "Salvage", "Regarding Available for Sale", "Scrap Memos" "Transformer Files", "Metals, Miscellaneous"

None of the entities/persons in the definition of "Peck Iron and Metal Co." in EPA's June 12, 2008 request for information appear in any of the databases identified in numbers 1 – 6 above.

As noted in Pepco's response to Question No. 10, in reviewing paper records, Pepco identified two Pepco sales slips which indicate that Pepco (1) sold a scrap steel waste tank to Peck Recycling Company, 3220 Deepwater Terminal Road, Richmond, Virginia (No. 06463, dated 9/5/90; Attachment 1 hereto) and (2) sold scrap iron/steel from coal yard to Peck Metal Recycling, 3220 Deepwater Terminal Road, Richmond, Virginia (No. 06899, dated 3/27/91; Attachment 2 hereto). The transactions represented by these sales slips were not with the Site that is the subject of EPA's June 12, 2008 request for information.

Pepco also located the following documents on which the name of an entity/person within the definition of "Peck Iron and Metal Co." in EPA's June 12, 2008 request for information appears.

- Attachment 3 hereto:
 - Fax cover sheet with date "3/19/92" stricken by pen and replaced in pen with date "4/" addressed to Mr. Stuart M. Cohn, Peck Recycling Company [address not specified] offering opportunity to bid on scrap air heater baskets described in

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Attachment A to which is attached (1) a 3/19/92 form Pepco "Dear Customer" letter and (2) Attachment "A" Project No. P9181, Item Name Air Heater Basket – 48 each. The file in which this document was found indicates that Peck Recycling was invited to bid, but the file does not contain any evidence of a bid by Peck Recycling. Documents in the file indicate that the air heater baskets were sold to an entity other than Peck.

- Attachment 4 hereto:
 - Handwritten page dated 12/1/89 with the heading "Respondents, Scrap Iron & Steel – 1990-1991 Bids" which compares bids from 3 entities that are not within the definition of "Peck Iron and Metal Co" in EPA's June 12, 2008 request for information. Peck Recycling is noted at the bottom of the page, but nothing in the file indicates that Peck Recycling provided a bid or that Pepco sent any scrap iron or steel to the Site.
- Attachment 5 hereto:
 - Fax cover sheet dated 5/5/89 to Mr. David Peck which is one of five fax cover sheets of the same date to five entities, including Peck, to which Pepco made inquiry regarding page 2. None of these five fax cover sheets has a page 2 attached, but based on other material in the file, it appears that page 2 was a handwritten description of air preheater baskets. The file also contains a handwritten bid list dated 5/5/89 on which Peck Iron & Metal Co. [unspecified address] appears. Nothing in the file indicates that Peck Iron & Metal provided a bid. Documents in the file indicate that the air heater baskets were sold to an entity other than Peck.
- Attachment 6 hereto:
 - Handwritten page dated 9/11/89 with the heading "Scrap Metal/Cable" which lists Peck Metal Recycling Co. at 3220 Deepwater Terminal Road, Richmond, Virginia along with other entities. Documents in the file indicate that the material offered was sold to an entity other than Peck. The file does not contain any evidence that the material was offered to Peck or any evidence of a Peck bid for the material.

QUESTION NO. 20

Describe in detail any agreement/contract your company has had with Peck Iron and Metal Company. In addition, identify any other company operating at the Site and describe in detail any arrangements your company has had with each such company, if any, including the time period of your company's involvement with such company.

Response

Pepco has not located any documents evidencing any agreement/contract between Pepco and Peck Iron and Metal Company at the Site other than the documents described in response to Question Nos. 10 and 19 which relate to Peck Iron and Metal at a Richmond, Virginia address.

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Pepco has not located any documents identifying any other company operating at the Site. Based on its review of documents, Pepco did not have any arrangement with any company operating at the Site.

QUESTION NO. 21

Provide all business records pertaining to your company and Peck Iron and Metal Company, or any other company operating at the Site, including:

- a. Copies of correspondence to and from these companies, including letters and memoranda (both internal and external);*
- b. Copies of invoices, manifests, bills-of-lading, purchase orders, tickets, and any other documents pertaining to shipping, receiving, and transporting scrap materials; and*
- c. Copies of all business records pertaining to sale, transfer, delivery, or disposal, of any hazardous substances, scrap materials, and/or recyclable materials to the Site.*
- d. If you are unable to provide any or all of these documents, explain why, and what you did to find them.*

Response

See Response to Question No. 19.

QUESTION No. 22

If you have reason to believe that someone could provide a more detailed or complete response to any of these questions or requests for copies of documents, or if you have reason to believe that there could be someone who may be able to provide additional documents that would be responsive to these questions and requests for copies of documents, identify such person(s), identify the additional documents that they may have, and describe any information related to these questions that they may have.

Response

Pepco does not have reason to believe that someone could provide a more detailed or complete response to any of these questions or requests for copies of documents or that there could be someone who may be able to provide additional documents that would be responsive to these questions and requests for copies of documents.

ORIGINAL

QUESTION NO. 23

Provide details, including dates and materials involved, of all on-site spills or releases of hazardous materials of which you have knowledge and that occurred during the processing of scrap materials containing hazardous substances at the Site.

Response

Pepco has not located any documents and has no information to indicate that Pepco sent scrap materials to the Site. Accordingly, Pepco has no knowledge of on-site spills or releases of hazardous materials at the Site.

QUESTION NO. 24

To the extent not identified in Question 1, identify all transactions or agreements for disposal in which your company gave, sold, or transferred any material or item, scrap materials, waste materials, pollutant, or contaminant, including copper-bearing material and ash, to the Site. In addition:

- a. State the dates on which each such person may have given, sold, transferred, or delivered such material.*
- b. Describe the materials or items that may have been given, sold, transferred, or delivered, including the type of material, chemical content, physical state, quantity by volume and weight, and other characteristics.*
- c. Describe the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) any quantity (volume and weight) of all hazardous substances involved in each such arrangement.*
- d. State whether any of the hazardous substances identified in subpart c. above exhibit any of the characteristics of a hazardous waste identified in 40 C.F.R. Section 261, Subpart C.*

Response

Pepco has not located any documents and has no other information indicating that Pepco engaged in any transactions or agreements for disposal in which Pepco gave, sold, or transferred any material or item, scrap materials, waste materials, pollutant, or contaminant, including copper-bearing material and ash, to the Site.

ORIGINAL

QUESTION NO. 25

What other materials, if any, did your company send to the Site (items/materials not covered in Question 24 above)?

- a. *Describe the purpose of each sale, transfer, or delivery of materials to the Site.*

Response

None.

QUESTION No. 26

Describe what was done to materials indicated in your response to Questions 24 and 25 above once they were brought to the Site including any further processing of the materials.

Response

Not applicable.

QUESTION No. 27

Identify the person(s) who sold, transferred, delivered, and selected the Site as the location at which scrap materials from your company were to be disposed or treated.

- a. *Identify all documents mentioning these arrangements for disposal.*
- b. *Describe all efforts (i.e., site visits) taken by the person(s) identified in your response to Question 25 above to determine what would be done with the materials that may have been sold, transferred, or delivered after such materials had been sold, transferred, or delivered to the Site.*

Response

Pepco has not located any documents and has no other information to indicate that Pepco sold, transferred, delivered or selected the Site as the location at which scrap materials from Pepco were to be disposed or treated.

QUESTION NO. 28

For each sale, transfer, or delivery of materials to the Site, had any hazardous substances been added to the materials described in your response to Question 24 and 25 above? If so, identify the hazardous substance added and the person responsible for adding such hazardous substance.

- a. *Why were these hazardous substances added to the materials?*

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b. *Describe the source of or the process that produced the materials described in your response to Question 24 and 25 above.*

Response

Not Applicable.

QUESTION NO. 29

Identify all individuals who currently have, or who previously had responsibility for your company's environmental matters (e.g., responsibility for the disposal, treatment, storage, recycling, or sale of your company's wastes, scrap materials and/or recyclable materials). Hereafter, these individuals are referred to as environmental caretakers. For each environmental caretaker, indicate the dates of the individual's employment or contractual obligation (i.e., the dates indicating the length of the individual's tenure[s]), the nature of the individual's duties and responsibilities, and a description of the type of environmental information that the individual would know.

Response

Pepco objects to this question to the extent that it seeks information that is protected from discovery by the attorney-client privilege or other privilege available under law. Subject to and without waiver of its objection, Pepco responds that the following persons currently employed by Pepco Holdings, Inc. or an affiliate have responsibility for the disposal, treatment, storage, recycling, or sale of Pepco's wastes, scrap materials and/or recyclable materials. All contact with employees of Pepco Holdings, Inc or one of its affiliates should be made through counsel for Pepco at 302-429-3144.

Samuel Appuglies

- Commenced employment with Pepco Holdings, Inc. or an affiliated company – 1968
- Bargaining unit positions in print shop and materials management -- 1968 to 1982
- Manager, Stores Department – responsible for stores and materials management operations – 1982 to 1993
- Manager, Stores & Fuels – responsible for stores, materials management and waste management operations – 1993 to 1997
- Manager, Material Services Division – responsible for Pepco supply chain operations – 1997 to 2002
- Manager, Operations Support – responsible for logistics and fleet management – 2002 to 2004
- Procurement and Inventory, Group Manager, Logistics – responsible for Pepco Holdings, Inc. procurement and inventory management, materials handling, delivery, waste management – 2004 to present

ORIGINAL

Denise Campbell

- Commenced employment with Pepco Holdings, Inc. or an affiliated company – 1983
- Responsible for reviewing new or revised regulations covering disposal, treatment, storage, recycling or sale of Pepco's wastes, conducting impact analyses and informing relevant company areas of impacts to their operations --1985 to present
- Responsible for coordination of PCB compliance for Pepco, which involves providing regulatory/technical guidance in disposal, storage, recycling or sale of Pepco's PCB containing wastes, to assure compliance with regulatory requirements and company policies and procedures -- 1987 to present
- Responsible for oversight and coordination of compliance with regulatory standards for waste disposal, treatment, storage, recycling or sale of Pepco's wastes -- 1995 to present
- Environmental Information: RCRA requirements for disposal and recycling of solid wastes and TSCA requirements for use and disposal of PCBs

Catherine McNichol

- Commenced employment with Pepco Holdings, Inc. or an affiliated company – 1980
- Strategic Sourcing Operations, Manager, Supply Chain, responsible for scrap metal sales -- 2002 to date

Robert Nelson

- Commenced employment with Pepco Holdings, Inc. or an affiliated company – 1985
- Procurement Specialist, Investment Recovery -- responsible for sale of surplus and obsolete OEM (original equipment manufacturer) parts and equipment -- 1985 to 1989
- Senior Buyer, Purchasing --responsible for purchasing generation and electric systems parts and equipment -- 1989 to 2001
- Senior Buyer, Purchasing -- coordinated scrap metal sales for scrap electrical materials -- 1999 to 2000
- Principal Buyer, Purchasing -- supervised generation and electric systems purchasing -- 2001 to 2005
- Procurement & Inventory, Manager, Stores – responsible for procurement of stock and non-stock transmission and distribution system materials for utility operating companies – 2005 to present

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Ronald Studds

- Commenced employment with Pepco Holdings, Inc. or an affiliated company – 1983
- Storeroom Supervisor – 1984 to 1985
- Supervisor, Waste Management -- responsible for management, storage, transportation, handling, disposal of PCB waste, hazardous waste, non-hazardous waste -- 1987 to 1988
- General Supervisor, Waste Management -- responsible for management, storage, transportation, handling, disposal of PCB waste, hazardous waste, non-hazardous waste -- 1990 to 1995
- Manager, Waste Management -- responsible for management, storage, transportation, handling, disposal of PCB waste, hazardous waste, non-hazardous waste – 1996 to present
- Environmental Information: RCRA requirements for disposal and recycling of solid wastes and TSCA requirements for use and disposal of PCBs

SALES
SLIP No. 06463v

SALES
SLIP No. 06463v

ORIGINAL

SALE OF MATERIAL

OH
MATERIAL RETURNED FOR CREDIT

POTOMAC ELECTRIC POWER COMPANY

1900 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20068-0001

SALES
SLIP No. 06899 ✓[illegible]

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Potomac Electric Power Company

SUITE 4000, ROOM 4300, 2000 PENNSYLVANIA AVE. N.W. WASHINGTON, D.C. 20006
(202) 331-6689

C. L. SMITH
Investment Recovery

TEL. (202) 331-6689
FAX. (202) 331-6526

FACSIMILE TRANSMITTAL

233-6807
804-448-3023
FAX #

NUMBER OF PAGES 3
(Including this page)

DATE 3/19/92
2/1

TO: Mr. Stuart M. Cohn

Peck Recycling Company

FROM: Curtis L. Smith

PEPCO

MESSAGE:

PEPCO offers the opportunity for your company to bid on scrap air heater
baskets described in Attachment "A".

Quote your best price per gross ton.

Offer due by March 31, 1992

ORIGINAL

pepco

Potomac Electric Power Company

SUITE 4000, ROOM 4300, 2000 PENNSYLVANIA AVE, N.W., WASHINGTON, D.C. 20006

(202) 331-6689

C. L. SMITH
Investment Recovery

March 19, 1992

Dear Customer:

We are offering for sale the following air heater baskets. All reasonable offers will be given serious consideration if submitted in writing.

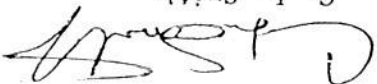
All material and equipment is offered "as is - where is", F.O.B. site, with no warranties or guarantees, expressed or implied, including, but not limited to the warranties of merchantability and fitness for a particular purpose which are expressly disclaimed. The right to reject any and all bids is reserved. All material is subject to prior sale or withdrawal. We encourage and recommend on-site inspection. Appointments may be scheduled Monday through Friday from 8:00 a.m. to 2:30 p.m. by phoning (202) 331-6689.

All inquiries (offers) shall be submitted by 3:00 p.m. on March 31, 1992.

CLS/tmq

Attachment

C. L. Smith
Investment Recovery



ORIGINAL

POTOMAC ELECTRIC POWER COMPANY
 INVESTMENT RECOVERY DEPARTMENT
 PROJECT SALVAGE ASSESSMENT

PROJECT: No. P9181PLANT: Morgantown

ITEM NAME Air Heater Baskets - 48 each

ALLOY NUMBER A-242 Corten

SIZE WHEN REMOVED APPROX. 5' at widest end x 22' long x 20" deep -- wedge shaped
 (IF CABLE, CUT OR ON REELS)

O.D. x BWG x LENGTH See above

WEIGHT (IF KNOWN) 7 tons each

JOB STARTS March 13, 1992

SCRAP REMOVAL DATES
 (AVAILABLE FOR SALE) May 12, 1992

PACKAGING None required

TYPE OF TRUCK OR CONTAINER(S) REQUIRED Flatbed

SPECIAL INSTRUCTIONS
 SUCH AS COORDINATION AND PLACEMENT OF CONTAINERS AND/OR FLATBED TRAILERS
Baskets must be loaded with 10 ton forklift or cherry picker

INFORMATION SUBMITTED BY: Tom SchleipPhil Lyons - Project Engineer 658

POTOMAC ELECTRIC POWER COMPANY
 INVESTMENT RECOVERY DEPARTMENT
 PROJECT SALVAGE ASSESSMENT

PROJECT: No. P9181

PLANT: Morgantown

ITEM NAME	<u>Air Heater Baskets - 48 each</u>
ALLOY NUMBER	<u>A-242 Corten</u>
SIZE WHEN REMOVED APPROX. 5' at widest end X 22' long X 20" deep (IF CABLE, CUT OR ON REELS)	<u>-- wedge shaped</u>
O.D. x BWG x LENGTH	<u>See above</u>
WEIGHT (IF KNOWN) 7 tons each	<u></u>
JOB STARTS	<u>March 13, 1992</u>
SCRAP REMOVAL DATES (AVAILABLE FOR SALE)	<u>May 12, 1992</u>
PACKAGING	<u>None required</u>
TYPE OF TRUCK OR CONTAINER(S) REQUIRED	<u>Flatbed</u>
SPECIAL INSTRUCTIONS SUCH AS COORDINATION AND PLACEMENT OF CONTAINERS AND/OR FLATBED TRAILERS	<u>Baskets must be loaded with 10 ton forklift or cherry picker</u>

INFORMATION SUBMITTED BY: Tom Schliep

Phil Lyons - Project Engineer 658

ORIGINAL

12/1/89

ORIGINAL

— Respondents —
 Scrap Iron & Steel - 1990-1991 Bids

	Davis Ind	Yowell	Conservit
1. Roll Containers at ALL locations	* \$10.00 G.T. 93.00 - 83.00 10.00 G.T.		
2 Pickup from (2) Containers Ground - Morgantown	* (2) Containers not from Ground	\$ 22.32	
3. Dickerson	*	(24% of \$93.00 G.T.)	\$ 27.00 G.T. \$ 93.00 G.T. - 66.00 \$ 27.00

June	H	C	D
	23,600	94,800	27,740
	28,300	38,760	27,460
			31,440
			14,980
			26,680
			20,400

12/4/89

Peck Recycling
 \$11.50

2 Pickup from
 Ground - Morgantown



INVESTMENT RECOVERY, SUITE 4000, ROOM 4300
2000 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20006

Tel (202) 331-6687
Fax (202) 331-6526

ORIGINAL

J. P. MANN
Manager, Investment Recovery
(202) 331-6686

FACSIMILE TRANSMITTAL

FAX # 202-331-6689

NUMBER OF PAGES 2
(Including this page)

DATE 5/5/89

TO: Mr. David Peck
Peck

FROM: Curtis Smith
PEPCO

MESSAGE:

Inquiry is sent based on Page
no 2. of this transmittal. For
further information, Contact
Curtis Smith 202-331-6689

ORIGINAL

5/5/89

Bid list

Customer
to add/Peck

BRC, Inc. - 804-385-6050

* Alexandria Scrap - 483-8800 No Bid

Davis Industries - 550-7402 - /29.00

* Yo well Equip. - 844-2857 15⁰⁰/39.00
38.00

Joseph Smith & Sons - 773-1246 \$⁰⁰ 23⁴⁰/38.76

Cambridge Iron & Metal - 301-327-7867 -

Peck Iron & Metal Co. - 804-232-5601 -

Walt Liveman 089 - #8984 - /88.52

* Phoned
Faxed

Peck- Fax 804-233-6807 ✓

Cambridge Iron, 301-475-5023 ✓

Davis - 550-5597 ✓

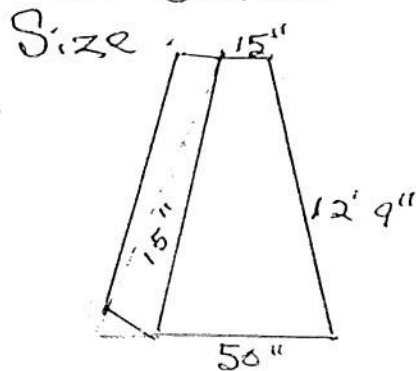
Joseph Smith & Sons - 773-7346 ✓

BRC Inc. 804-385-8887 ✓

ORIGINAL

Air Preheater Baskets

Description	Qty	Weight/lbs
Air Baskets	48	4300 each



Material
Carbon B
High strength
low alloy steel
ASTM A588

Location: Chalk Pt. Generating Station
Off Eagle Harbor Rd.
Aguasco, MD. 20608

Customer Load Price -
PEPCO Load Price -

All Baskets to be removed by 5/27/89
* Available for inspection 5/15/89
Bid due 5/10/89

ORIGINAL

9/11/89

Scrap Metal/Kable

Diversified Trading, INC.

3200 Smallman Street

Pittsburgh, PA. 15201

212-281-8406

ATTN: Mr. Charles Richey

Yowell Equipment Co.

4519 Baltimore Ave.

Blodensburg, MD. 20710

ATTN: Mr. Charlie Yowell

864-2857

Alas Disposal

12605 Brandywine Rd.

Brandywine, MD. 20613

ATTN: Ms. Jackie Manson

321-1700

Fax - 372-1529

Davis Industries, Inc.

9920 Richmond Hwy

Horton, VA. 22079

ATTN: Mr. Fred Bonnett

550-5597

550-7402

PECK Metal Recycling Co.

3220 Deepwater Terminal Rd.

Richmond, VA. 23234

ATTN: Mr. Stuart M. Cohn

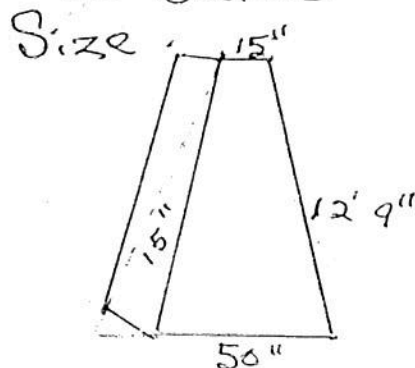
800-647-PECK
8325

804-448-3023

ORIGINAL

Air Preheater Baskets

Description	Qty	Weight/lbs
Air Baskets	48	4300 each



Material
Carbon B
High strength
low alloy steel
ASTM A588

Location: Chalk Pt. Generating Station
Off Eagle Harbor Rd.
Aquasco, MD. 20608

Customer Load Price -
PEPCO Load Price -

All Baskets to be removed by 5/27/89
* Available for inspection 5/15/89
Bid due 5/10/89



A PHI Company

Legal Services

800 King Street
Wilmington, DE 19801

P.O. Box 231
Wilmington, DE 19899-0231

June 29, 2009

VIA FEDERAL EXPRESS
Airbill No. 7967 3388 6806

Laura Johnson
Remedial Project Manager (3HS23)
DE, VA, WV Remedial Branch
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Peck Iron and Metal Site
Portsmouth, Virginia

Dear Ms. Johnson:

This letter responds to Karen Melvin's May 20, 2009 letter to Joseph Rigby, Chief Executive Officer, Pepco Holdings, Inc. ("PHI") which we received on May 22, 2009 concerning the Peck Iron and Metal Site in Portsmouth, Virginia (the "Peck Iron and Metal Site" or the "Site"). That letter states that Pepco (a subsidiary of PHI) may have CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) section 107(a) liability at the Site "as a person who arranged for disposal or treatment of hazardous substances sent to the Site." That letter requested a written response within thirty calendar days of receiving the letter. In the enclosed June 8, 2009 e-mail, James Van Orden, Esq. of EPA's Office of Regional Counsel confirmed that Pepco's response on or before July 1, 2009 would be timely.

As an initial matter, please note that in June 2008, U.S. EPA Region III sent Pepco a CERCLA section 104(e) request for information concerning the Site. Region III's June 2008 letter suggested that Pepco arranged for the disposal of scrap materials which may have contained hazardous substances, pollutants or contaminants at the Peck Iron and Metal Site at 3850 Elm Avenue in Portsmouth, Virginia (the "Site"). On September 12, 2008, Pepco submitted a timely response to Region III which indicated that Pepco did not have any records indicating that Pepco disposed scrap materials at the Site. Pepco's response also included internal Pepco records seeking or evaluating bids from vendors for scrap metal (scrap air heater baskets, scrap iron and steel, air preheater baskets, scrap metal/cable) that Pepco sought to sell. These records indicated that while Pepco may have offered the Site (or a Peck company in Richmond, Virginia) the opportunity to bid on scrap metal to be sold, the Site did not submit a bid and Pepco sold the scrap metal offered for sale to another entity. In addition, Pepco's response to Region III included documents reflecting that Pepco sold (1) a scrap steel waste tank

Laura Johnson
Remedial Project Manager (3HS23)
June 29, 2009
Page 2

in 1990 and (2) scrap iron/steel in 1991 to Peck Iron and Metal in Richmond, Virginia. The offering of scrap metal for sale and the sale of scrap metal to an entity in a different city from the city in which the Site is located do not provide a basis for liability under CERCLA.

Furthermore, while Pepco requested that Region III provide information in EPA's possession to support the suggestion in EPA's June 2008 CERCLA section 104(e) letter that Pepco "arranged for the disposal of scrap materials which may have contained hazardous substances, pollutants or contaminants" at the Site, Ms. Joan Martin Banks, EPA's Civil Investigator, informed me in a June 8, 2009 telephone conversation that she and EPA's paralegal assigned to this matter have reviewed EPA's CD of documents relating to the Site and have not located any documents to support EPA's June 2008 suggestion that Pepco arranged for the disposal of scrap materials at the Site.

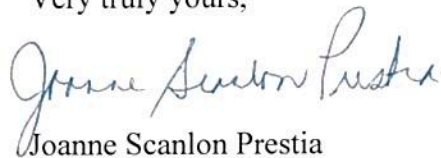
Ms. Martin Banks provided Pepco notes of interviews conducted in December 2008 and January 2009 with former employees who worked at the Site from the 1950's to 1980's. The former Site employee interviewed by EPA's contractor in December 2008 purported to recall that the Site "received steel, wire, cooper [sic] and some transformers from PEPCO" and that he did "not know if the electrical transformers had been drained." The former Site employee interviewed by EPA's contractor in January 2009 is reported to have "stated that PEPCO was a regular customer." EPA has not provided any documentary evidence to corroborate these former employees' recollections.

In its September 12, 2008 response to EPA's CERCLA section 104(e) information request, Pepco provided documents regarding the kinds of scrap metal (scrap air heater baskets, scrap iron and steel, air preheater baskets, scrap metal/cable) that Pepco offered for sale to a number of entities including the Site (or a Peck entity in Richmond, Virginia). Even if the Site had bid on these scrap metal sales and Pepco had sold this scrap metal to the Site, (which Pepco did not do), under CERCLA section 127, such sales of scrap metal do not create CERCLA section 107 liability. Any such scrap metal would be recyclable materials under CERCLA section 127. Any such scrap metal sales, had they occurred, would have constituted the arrangement for recycling of scrap metal, a recyclable material, to which CERCLA section 107 liability would not attach. Nothing in the documents Pepco provided to EPA regarding the offering of scrap metal for sale suggests that the Site was an entity to which Pepco ever offered the kind of scrap metal which may have contained polychlorinated biphenyls in excess of the concentration specified in CERCLA section 127(b)(2), which by statutory definition are not recyclable material, to which the recycling exemption to CERCLA section 107 liability does not apply.

Laura Johnson
Remedial Project Manager (3HS23)
June 29, 2009
Page 3

Ms. Melvin's May 20 letter encouraged Pepco to contact Region III regarding Pepco's willingness or unwillingness to participate in future negotiations concerning the Site. It is not Pepco's practice to decline such a request to confer and, accordingly, Pepco is willing to meet with Region III regarding this matter. Nevertheless, I must emphasize that Pepco is not aware of any legally viable basis for concluding that Pepco has CERCLA liability in connection with the Peck Iron and Metal Site in Portsmouth, Virginia

Very truly yours,

A handwritten signature in blue ink, appearing to read "Joanne Scanlon Prestia".

Joanne Scanlon Prestia
Counsel for Pepco

Enclosure

ORIGINAL



VanOrden.James@epamail.e
pa.gov
06/08/2009 04:35 PM

To joanne.prestia@pepcoholdings.com
cc Martin-Banks.Joan@epamail.epa.gov,
Johnson.Laura@epamail.epa.gov
bcc

Subject Re: Peck Iron and Metal, Portsmouth Virginia

History:

✉ This message has been replied to.

Dear Joanne:

I wanted to confirm an extension of time to July 1, 2009 for Pepco's response to EPA's May 20, 2009 GNL. Per your request, I will do my best to follow up with you about the documentation on EPA's CD as soon as possible.

Best,

James

James Van Orden
Assistant Regional Counsel
Office of Regional Counsel, US EPA, Region 3
1650 Arch Street (3RC42)
Philadelphia, PA 19103
Phone: 215-814-2693
Fax: 215-814-2603

From: joanne.prestia@pepcoholdings.com
To: James VanOrden/R3/USEPA/US@EPA
Date: 06/08/2009 04:31 PM
Subject: Peck Iron and Metal, Portsmouth Virginia

Dear James.

Thank you for agreeing to provide Potomac Electric Power Company (Pepco) an extension of time, until July 1, 2009, to respond to EPA's May 20, 2009 general notice letter regarding the above-referenced site.

As discussed, you have agreed to review EPA's CD of documents and send me a copy of any documents that allegedly connect Pepco to the site this week or at the latest the middle of next week.

Regards,

Joanne

Joanne Scanlon Prestia
Special Counsel
Pepco Holdings, Inc.
800 King Street
Wilmington, Delaware 19801
302-429-3144; 302-429-3801 (Fax); Mail Stop: 89KS42
Home Office: 610-933-0146; 610-983-0507 (Fax)
Cell: 302-584-1303
joanne.prestia@pepcoholdings.com; jmspvfpa@gmail.com

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

ORIGINAL
SNL

MAY 20 2009

NOTICE OF POTENTIAL LIABILITY
URGENT LEGAL MATTER: PROMPT REPLY REQUIRED
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Potomac Electric Power Company
Joseph Rigby, CEO
701 Ninth Street, N.W.
Washington, DC 20001

**Re: Peck Iron and Metal Site
Portsmouth, Virginia**

Dear Mr. Rigby:

This letter notifies you that the Potomac Electric Power Company (hereinafter, "your company" or "Pepco") may incur, or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Peck Iron and Metal Site ("Site") located in Portsmouth, Virginia. This letter also notifies you of potential response activities at the Site, which you may be asked to pay for at a later date if the United States Environmental Protection Agency ("EPA") performs them.

Under CERCLA, commonly known as the federal "Superfund" law, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that your company may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

EXPLANATION OF POTENTIAL LIABILITY

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current

and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

The Peck Co., (and its predecessor company Peck Iron & Steel Co., both of which are collectively referred to as "Peck") was a scrap metal business that was in business from approximately 1945 through the early 1990s. EPA has obtained information that the Site was operated by Peck, which purchased, processed, stored and shipped metal scrap from various military bases, governmental agencies, and businesses. The scrap processed by Peck at the Site included obsolete equipment, attachments, parts, other miscellaneous materials, and scrapped naval vessels. During a July 9, 2003 meeting at the Site with EPA and the Virginia Department of Environmental Quality ("VADEQ"), a former principal of Peck stated that polychlorinated biphenyls (PCB) containing transformers were disassembled and wires were burned to remove insulation. Peck's operations resulted in the improper storage and disposal of hazardous substances and the release of hazardous substances into the environment.

Peck received at the Site various materials that contained hazardous substances, including but not limited to lead and PCBs. Lead is a hazardous substance as set forth in 40 C.F.R. §§ 261.21 and 261.24 under the Resource Conservation and Recovery Act ("RCRA"). Zinc is a hazardous substance as set forth in 40 C.F.R. § 302.4. PCBs are hazardous substances as set forth in 40 C.F.R. § 302.4. These substances are also classified by the U.S. Department of Transportation as hazardous.

The facility processed scrap materials by sorting them, staging them, cutting them down to size, and then loading them onto railcars for shipment to consumers. Lead from batteries was reclaimed in a process referred to as "battery breaking". In this process the top of the battery is removed and the contents of the battery – lead plates, insulating grid and acid – are dumped onto the ground. The plates are recovered and stored for later processing or shipping. The remaining debris consisting of cases and grids typically are stored in piles for later disposal. Transformers containing PCBs were processed in the "shear area" by removing the transformers' carcasses and then collecting the oil with PCBs and insulated wire from within. The oil was used for various purposes at the Site including dust suppression in summer and fuel for warming fires in winter. Insulation on the transformer wire was sometimes burned off. The processing at the facility generated recovered materials and waste including PCB-contaminated wastes such as oil and insulation, as well as asbestos, munitions, miscellaneous fugitive metal debris, hydraulic fluids and waste oils.

Based on the information collected, EPA believes that your company may be liable under Section 107(a) of CERCLA with respect to the Site, as a person who arranged for disposal or treatment of hazardous substances sent to the Site. Specifically, EPA has reason to believe that your company arranged for the disposal and/or treatment of lead, zinc, and PCBs (as well as other substances) at the Site.

SITE RESPONSE ACTIVITIES

Several Site inspections were conducted by EPA and revealed a large open field covered with construction debris piles. A well-established wetland makes-up the southern margin of the Site adjacent to Paradise Creek. Various types of metallic debris can be observed on the surface of the ground; some debris is partially buried. Some degraded projectiles and shell casings also were observed on the surface of the ground.

On October 5, 2006, EPA began an emergency removal action and on January 11, 2007, EPA issued an Administrative Order for Removal Response Action (EPA Docket No. CERC-03-2007-0075DC) (the "Order") to The Peck Co., and the related parties, JSP Land Company, Inc., Peck-Portsmouth Recycling Company, Inc., and ELM Leasing Company, Inc. Pursuant to the Order, these entities submitted an Extent of Contamination Study ("EOC") on October 24, 2008. The EOC revealed significant contamination across the Site. Of the approximately 800 soil samples collected on the Site, nearly all indicated concentrations of PCBs, lead, and arsenic magnitudes above the Regional Screening Levels ("RSLs") for Chemical Contaminants at Superfund Sites - Industrial Soil Screening Levels.

In addition, the Site had been referred to the Region III Site Assessment Branch for evaluation in the Hazard Ranking System ("HRS") for potential placement of the Site on the National Priorities List ("NPL"). The Site was subsequently proposed in the Federal Register for inclusion on the NPL on April 9, 2009 with a potential listing expected in September 2009. EPA expects to conduct or to have PRPs conduct the following studies at the Site:

1. A removal action to reduce any immediate threat in the environment or human health posed by the site;
2. Remedial Investigation ("RI") - Further investigations to define the nature and extent of soil, air, ground water, surface water and sediment contamination at the Site and to identify the local hydro-geological characteristics and impact on biotic receptors at the Site; and a
3. Feasibility Study ("FS") - A study to evaluate possible response actions to remove or contain hazardous substances, pollutants, and contaminants at the Site.

EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

You may receive an additional notice from EPA in the future concerning the Site. The following four paragraphs are a detailed description of this future notice. You do not need to take any specific action regarding this future notice at this time. The description is provided to you here so that you can anticipate and understand the process.

The future notice will either inform you that EPA is using the CERCLA Section 122(e) special notice procedure to formally negotiate the terms of a consent order or consent decree to conduct or to finance Site response activities, or it will inform you that EPA is electing not to utilize this procedure. If EPA does not use the Section 122(e) special notice procedure, the notice will specify why special notice was not considered appropriate in this case.

Under Section 122(e), EPA has discretionary authority to use the special notice procedure if EPA determines that such procedure would facilitate an agreement between EPA and the PRPs for taking response action and would expedite remedial action at the Site. Use of this special notice procedure triggers a moratorium on certain government activities at the Site. The purpose of the moratorium is to provide a period of time when PRPs and EPA may enter into formal negotiations for an agreement under which the response activities will be financed and performed by the PRPs.

If special notice is provided with respect to the Remedial Investigation and Feasibility Study ("RI/FS") at the Site, the moratorium period, during which EPA will not initiate implementation of the RI/FS, lasts for 60 days after receipt of special notice. If EPA determines that a good faith offer to perform or to finance the RI/FS is submitted by the PRPs within 60 days, the statute provides a 30-day extension for further negotiations. Following completion of the RI/FS, a second moratorium period during which EPA may not initiate response activities occurs with regard to the Remedial Design/Remedial Action ("RD/RA"). The RD/RA moratorium also lasts for 60 days after the RD/RA special notice has been issued. If EPA determines that a good faith offer for the performance of the RD/RA is submitted by the PRPs within 60 days, the statute provides for an additional 60-day extension for further negotiations.

If EPA determines that a good faith offer has not been submitted within the first 60 days of any moratorium period, EPA may terminate the negotiation moratorium pursuant to Section 122(e)(4) of CERCLA and may commence response activities or enforcement actions as it deems appropriate. In the absence of an agreement with the parties to perform or to finance the necessary response activities, EPA may undertake these activities and pursue civil litigation against the parties for reimbursement of Site expenditures. Alternatively, EPA may issue a unilateral administrative order ("UAO") pursuant to Section 106(a) of CERCLA to require PRPs to conduct response activities, and/or may commence civil litigation pursuant to Section 106(a) of CERCLA to obtain similar relief. Failure to comply with a UAO issued pursuant to Section 106(a) of CERCLA may result in a fine of up to \$37,500 per day, pursuant to Section 106(b) of CERCLA and 40 C.F.R. Part 19, and/or imposition of treble damages, pursuant to Section 107(c)(3) of CERCLA.

The preceding explanation of special notice and the negotiation moratorium procedure is for your general information about the Superfund process. It does not require any specific action on your part at this time.

PRP RESPONSE AND EPA CONTACT

You are encouraged to contact EPA in writing within **thirty (30)** calendar days of the receipt of this letter to express your willingness or unwillingness to participate in future negotiations concerning this Site. You may respond individually or through a steering committee if such a committee has been formed. Your response will be considered by EPA in determining whether the special notice procedure should be used for this Site.

If you are already involved in discussions with State or local authorities, engaged in voluntary action or involved in a lawsuit regarding this Site, you should not interpret this letter as advising or directing you to restrict or to discontinue any such activities. You should, however, report the status of those discussions or activities in your letter to EPA. Please provide EPA with a copy of your letter to any other party involved in those discussions.

Your response to this letter should be addressed to:

Laura Johnson, Remedial Project Manager (3HS23)
DE, VA, WV Remedial Branch
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

The following information may be useful in your consideration of this matter.

INFORMATION TO ASSIST POTENTIALLY RESPONSIBLE PARTIES

EPA encourages good faith negotiations between the PRPs and EPA, as well as among the PRPs. A list of the names and addresses of PRPs to whom this notification is being sent along with the name(s) of PRPs previously notified is being provided. This list represents EPA's preliminary findings on the identities of the PRPs for the Site. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at or from the Site.

DE MINIMIS SETTLEMENTS

Under CERCLA § 122(g) of CERCLA, whenever practicable and in the public interest, EPA may offer special settlements "to parties whose waste contribution to a site is minimal in volume and toxicity, that is, de minimis parties."

Individuals or businesses resolving their Superfund liability as de minimis parties are not typically required to perform site cleanup. Instead, EPA requires de minimis settlers to pay their fair share of cleanup costs incurred, plus a "premium" that accounts for, among other things, uncertainties associated with the costs of work to be performed in the future. In return, de minimis settlers receive: (1) a covenant not to sue, which is a promise that EPA will not bring any future legal action against the settling party for the specific matters addressed in the settlement; and (2) contribution protection, which provides a settling party with protection from being sued by other responsible parties for the specific matters addressed in the settlement.

Participation in a de minimis settlement means that you are settling directly with EPA as soon as it is possible to do so.

If your company believes that it may be eligible for a de minimis settlement at this Site, please contact Joan E. Martin-Banks, Civil Investigator, at (215) 814-3156 for additional information on "De Minimis Settlements." Additional information will be sent to you, and you may be asked to respond in writing to questions about your involvement with the Site to assist EPA in making a determination as to whether you may be eligible for such a settlement.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. §9613(k), EPA establishes an administrative record that contains documents which form the basis for EPA's decision on the selection of each response action for a site. The administrative record will be available to the public for inspection and comment before any remedial action is selected by EPA. A copy of the record for each response action selected for the Site will be available on the internet at www.epa.gov/arweb and will be available in hardcopy, on microfilm, or on compact disk at specific location(s). A copy will be located at the EPA Regional office, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The contact person in the Regional office is Anna Butch telephone at (215) 814-3157.

FUTURE FINANCIAL REVIEW

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within this category, please contact Joan E. Martin-Banks, Civil Investigator at (215) 814-3156 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements and a form to fill out with information about your finances, and you will be asked to submit financial records including business federal income tax returns. If EPA concludes that your company has a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Please note that, because EPA has a potential claim against you, you must include EPA as a creditor in subsequent bankruptcy proceedings.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, former President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblbra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed with this letter.

Please give these matters your immediate attention and consideration. If you have any questions regarding the PRP Search activities performed at this Site, please contact Joan E. Martin Banks, Civil Investigator, at (215) 814-3156, or have your attorney contact James Van Orden of EPA's Office of Regional Counsel at (215) 814-2693. Laura Johnson, the Site RPM, can be reached by telephone at (215) 814-3295. Thank you for your prompt attention to this matter.

Sincerely,



Karen Melvin, Associate Division Director
Office of Enforcement
Hazardous Site Cleanup Division

Enclosures:

1. List of PRPS Receiving Notice Letter
2. Responsible Parties Previously Noticed and/or Ordered
3. SBREFA Information

cc: Erica Dameron, VA DEQ
James Van Orden, Esq., (3RC42)
Richard Rupert, OSC (3HS31)
Laura Johnson, RPM (3HS23)
Joanne Scanlon Prestia, Esq.

Enclosure 1

Notice Letter Recipient List**Peck Iron and Metal Site, Portsmouth, Virginia****Arrangers**

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Defense Reutilization and Marketing Service
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Attn: DRMS-DG

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 Washington D. C. 20001
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Owner/Operators

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 B. David Peck, CEO
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Peck-Portsmouth Recycling Company, Inc.
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Enclosure 2

Parties Previously Issued Administrative Order for Removal Response Action,
January 11, 2007, (EPA Docket No.CERC-03-2007-0075DC)

Elm Leasing Company, Inc.

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c/o Brian L. Buniva, Esq.

LeClairRyan

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Party Previously Noticed on April 10, 2009

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United States
Environmental Protection
Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA 300-F-07-003 October 2007

Office of Enforcement and Compliance Assurance INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture
(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry
(www.ecarcenter.org)

Automotive Service and Repair
(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry
(www.chemalliance.org)

Construction Industry
(www.cicacenter.org or 1-734-995-4911)

Education
(www.campuserc.org)

Healthcare Industry
(www.hercenter.org or 1-734-995-4911)

Metal Finishing
(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings
(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing
(www.pwbrc.org or 1-734-995-4911)

Printing
(www.pneac.org or 1-888-USPNEAC)

Transportation Industry
(www.transource.org)

Tribal Governments and Indian Country
(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues
(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

Small Business Gateway
www.epa.gov/smallbusiness

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Voluntary Partnership Programs
www.epa.gov/partners

Office of Enforcement and Compliance Assurance: <http://www.epa.gov/compliance>



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Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center
(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act
(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers
(www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.
(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse
(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline
(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information
(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.
(1-202-554-1404)

Wetlands Helpline
(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman
(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage
(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy
(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy
(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

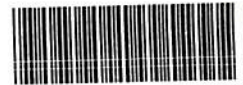
If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

ORIGINAL



SDMS DocID 2126848

JUN 12 2008

INFORMATION REQUEST

URGENT LEGAL MATTER: PROMPT REPLY REQUIRED

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Potomac Electric Power Company
2000 Pennsylvania Ave., N.W. – Suite 4000
Washington, DC 20006

**Re: Peck Iron and Metal Site
Portsmouth, Virginia**

Dear Sir or Madame:

EPA has obtained information which suggests that Potomac Electric Power Company (hereinafter “you” or “your company”) arranged for the disposal of scrap materials which may have contained hazardous substances, pollutants or contaminants at the Peck Iron and Metal Site at 3850 Elm Avenue in Portsmouth, Virginia (the “Site”).

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. §9604(e), EPA has the authority to require your company to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of your company’s employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. §9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. §9601(33), which were transported to, stored, treated, or disposed of at the Peck Iron and Metal Site.

Section 104(e) of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject your company to criminal penalties under 18 U.S.C. §1001. The information your company provide may be used by EPA in administrative, civil, or criminal proceedings.

Instructions for responding to this required submission of information are provided below.

INSTRUCTIONS

1. Your company is entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure 1, Business Confidentiality Claims/Disclosure to



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAY 30 2003

INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUIRED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Potomac Electric Power Company
2000 Pennsylvania Ave., N.W. - Suite 4000
Washington, DC 20006

Re: Peck Iron and Metal Site
Portsmouth, Virginia

Dear Sir or Madame:

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

ORIGINAL

MAY 20 2009

NOTICE OF POTENTIAL LIABILITY
URGENT LEGAL MATTER: PROMPT REPLY REQUIRED
CERTIFIED MAIL: RETURN RECEIPT REQUESTED



SDMS DocID 2127005

Potomac Electric Power Company
Joseph Rigby, CEO
701 Ninth Street, N.W.
Washington, DC 20001

**Re: Peck Iron and Metal Site
Portsmouth, Virginia**

Dear Mr. Rigby:

This letter notifies you that the Potomac Electric Power Company (hereinafter, "your company" or "Pepco") may incur, or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Peck Iron and Metal Site ("Site") located in Portsmouth, Virginia. This letter also notifies you of potential response activities at the Site, which you may be asked to pay for at a later date if the United States Environmental Protection Agency ("EPA") performs them.

Under CERCLA, commonly known as the federal "Superfund" law, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that your company may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

EXPLANATION OF POTENTIAL LIABILITY

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current

and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

The Peck Co., (and its predecessor company Peck Iron & Steel Co., both of which are collectively referred to as "Peck") was a scrap metal business that was in business from approximately 1945 through the early 1990s. EPA has obtained information that the Site was operated by Peck, which purchased, processed, stored and shipped metal scrap from various military bases, governmental agencies, and businesses. The scrap processed by Peck at the Site included obsolete equipment, attachments, parts, other miscellaneous materials, and scrapped naval vessels. During a July 9, 2003 meeting at the Site with EPA and the Virginia Department of Environmental Quality ("VADEQ"), a former principal of Peck stated that polychlorinated biphenyls (PCB) containing transformers were disassembled and wires were burned to remove insulation. Peck's operations resulted in the improper storage and disposal of hazardous substances and the release of hazardous substances into the environment.

Peck received at the Site various materials that contained hazardous substances, including but not limited to lead and PCBs. Lead is a hazardous substance as set forth in 40 C.F.R. §§ 261.21 and 261.24 under the Resource Conservation and Recovery Act ("RCRA"). Zinc is a hazardous substance as set forth in 40 C.F.R. § 302.4. PCBs are hazardous substances as set forth in 40 C.F.R. § 302.4. These substances are also classified by the U.S. Department of Transportation as hazardous.

The facility processed scrap materials by sorting them, staging them, cutting them down to size, and then loading them onto railcars for shipment to consumers. Lead from batteries was reclaimed in a process referred to as "battery breaking". In this process the top of the battery is removed and the contents of the battery – lead plates, insulating grid and acid – are dumped onto the ground. The plates are recovered and stored for later processing or shipping. The remaining debris consisting of cases and grids typically are stored in piles for later disposal. Transformers containing PCBs were processed in the "shear area" by removing the transformers' carcasses and then collecting the oil with PCBs and insulated wire from within. The oil was used for various purposes at the Site including dust suppression in summer and fuel for warming fires in winter. Insulation on the transformer wire was sometimes burned off. The processing at the facility generated recovered materials and waste including PCB-contaminated wastes such as oil and insulation, as well as asbestos, munitions, miscellaneous fugitive metal debris, hydraulic fluids and waste oils.

Based on the information collected, EPA believes that your company may be liable under Section 107(a) of CERCLA with respect to the Site, as a person who arranged for disposal or treatment of hazardous substances sent to the Site. Specifically, EPA has reason to believe that your company arranged for the disposal and/or treatment of lead, zinc, and PCBs (as well as other substances) at the Site.

SITE RESPONSE ACTIVITIES

Several Site inspections were conducted by EPA and revealed a large open field covered with construction debris piles. A well-established wetland makes-up the southern margin of the Site adjacent to Paradise Creek. Various types of metallic debris can be observed on the surface of the ground; some debris is partially buried. Some degraded projectiles and shell casings also were observed on the surface of the ground.

On October 5, 2006, EPA began an emergency removal action and on January 11, 2007, EPA issued an Administrative Order for Removal Response Action (EPA Docket No. CERC-03-2007-0075DC) (the "Order") to The Peck Co., and the related parties, JSP Land Company, Inc., Peck-Portsmouth Recycling Company, Inc., and ELM Leasing Company, Inc. Pursuant to the Order, these entities submitted an Extent of Contamination Study ("EOC") on October 24, 2008. The EOC revealed significant contamination across the Site. Of the approximately 800 soil samples collected on the Site, nearly all indicated concentrations of PCBs, lead, and arsenic magnitudes above the Regional Screening Levels ("RSLs") for Chemical Contaminants at Superfund Sites - Industrial Soil Screening Levels.

In addition, the Site had been referred to the Region III Site Assessment Branch for evaluation in the Hazard Ranking System ("HRS") for potential placement of the Site on the National Priorities List ("NPL"). The Site was subsequently proposed in the Federal Register for inclusion on the NPL on April 9, 2009 with a potential listing expected in September 2009. EPA expects to conduct or to have PRPs conduct the following studies at the Site:

1. A removal action to reduce any immediate threat in the environment or human health posed by the site;
2. Remedial Investigation ("RI") - Further investigations to define the nature and extent of soil, air, ground water, surface water and sediment contamination at the Site and to identify the local hydro-geological characteristics and impact on biotic receptors at the Site; and a
3. Feasibility Study ("FS") - A study to evaluate possible response actions to remove or contain hazardous substances, pollutants, and contaminants at the Site.

EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

You may receive an additional notice from EPA in the future concerning the Site. The following four paragraphs are a detailed description of this future notice. You do not need to take any specific action regarding this future notice at this time. The description is provided to you here so that you can anticipate and understand the process.

The future notice will either inform you that EPA is using the CERCLA Section 122(e) special notice procedure to formally negotiate the terms of a consent order or consent decree to conduct or to finance Site response activities, or it will inform you that EPA is electing not to utilize this procedure. If EPA does not use the Section 122(e) special notice procedure, the notice will specify why special notice was not considered appropriate in this case.

Under Section 122(e), EPA has discretionary authority to use the special notice procedure if EPA determines that such procedure would facilitate an agreement between EPA and the PRPs for taking response action and would expedite remedial action at the Site. Use of this special notice procedure triggers a moratorium on certain government activities at the Site. The purpose of the moratorium is to provide a period of time when PRPs and EPA may enter into formal negotiations for an agreement under which the response activities will be financed and performed by the PRPs.

If special notice is provided with respect to the Remedial Investigation and Feasibility Study ("RI/FS") at the Site, the moratorium period, during which EPA will not initiate implementation of the RI/FS, lasts for 60 days after receipt of special notice. If EPA determines that a good faith offer to perform or to finance the RI/FS is submitted by the PRPs within 60 days, the statute provides a 30-day extension for further negotiations. Following completion of the RI/FS, a second moratorium period during which EPA may not initiate response activities occurs with regard to the Remedial Design/Remedial Action ("RD/RA"). The RD/RA moratorium also lasts for 60 days after the RD/RA special notice has been issued. If EPA determines that a good faith offer for the performance of the RD/RA is submitted by the PRPs within 60 days, the statute provides for an additional 60-day extension for further negotiations.

If EPA determines that a good faith offer has not been submitted within the first 60 days of any moratorium period, EPA may terminate the negotiation moratorium pursuant to Section 122(e)(4) of CERCLA and may commence response activities or enforcement actions as it deems appropriate. In the absence of an agreement with the parties to perform or to finance the necessary response activities, EPA may undertake these activities and pursue civil litigation against the parties for reimbursement of Site expenditures. Alternatively, EPA may issue a unilateral administrative order ("UAO") pursuant to Section 106(a) of CERCLA to require PRPs to conduct response activities, and/or may commence civil litigation pursuant to Section 106(a) of CERCLA to obtain similar relief. Failure to comply with a UAO issued pursuant to Section 106(a) of CERCLA may result in a fine of up to \$37,500 per day, pursuant to Section 106(b) of CERCLA and 40 C.F.R. Part 19, and/or imposition of treble damages, pursuant to Section 107(c)(3) of CERCLA.

The preceding explanation of special notice and the negotiation moratorium procedure is for your general information about the Superfund process. It does not require any specific action on your part at this time.

PRP RESPONSE AND EPA CONTACT

You are encouraged to contact EPA in writing within **thirty (30)** calendar days of the receipt of this letter to express your willingness or unwillingness to participate in future negotiations concerning this Site. You may respond individually or through a steering committee if such a committee has been formed. Your response will be considered by EPA in determining whether the special notice procedure should be used for this Site.

If you are already involved in discussions with State or local authorities, engaged in voluntary action or involved in a lawsuit regarding this Site, you should not interpret this letter as advising or directing you to restrict or to discontinue any such activities. You should, however, report the status of those discussions or activities in your letter to EPA. Please provide EPA with a copy of your letter to any other party involved in those discussions.

Your response to this letter should be addressed to:

Laura Johnson, Remedial Project Manager (3HS23)
DE, VA, WV Remedial Branch
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

The following information may be useful in your consideration of this matter.

INFORMATION TO ASSIST POTENTIALLY RESPONSIBLE PARTIES

EPA encourages good faith negotiations between the PRPs and EPA, as well as among the PRPs. A list of the names and addresses of PRPs to whom this notification is being sent along with the name(s) of PRPs previously notified is being provided. This list represents EPA's preliminary findings on the identities of the PRPs for the Site. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at or from the Site.

DE MINIMIS SETTLEMENTS

Under CERCLA § 122(g) of CERCLA, whenever practicable and in the public interest, EPA may offer special settlements "to parties whose waste contribution to a site is minimal in volume and toxicity, that is, de minimis parties."

Individuals or businesses resolving their Superfund liability as de minimis parties are not typically required to perform site cleanup. Instead, EPA requires de minimis settlers to pay their fair share of cleanup costs incurred, plus a "premium" that accounts for, among other things, uncertainties associated with the costs of work to be performed in the future. In return, de minimis settlers receive: (1) a covenant not to sue, which is a promise that EPA will not bring any future legal action against the settling party for the specific matters addressed in the settlement; and (2) contribution protection, which provides a settling party with protection from being sued by other responsible parties for the specific matters addressed in the settlement.

Participation in a de minimis settlement means that you are settling directly with EPA as soon as it is possible to do so.

If your company believes that it may be eligible for a de minimis settlement at this Site, please contact Joan E. Martin-Banks, Civil Investigator, at (215) 814-3156 for additional information on "De Minimis Settlements." Additional information will be sent to you, and you may be asked to respond in writing to questions about your involvement with the Site to assist EPA in making a determination as to whether you may be eligible for such a settlement.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. §9613(k), EPA establishes an administrative record that contains documents which form the basis for EPA's decision on the selection of each response action for a site. The administrative record will be available to the public for inspection and comment before any remedial action is selected by EPA. A copy of the record for each response action selected for the Site will be available on the internet at www.epa.gov/arweb and will be available in hardcopy, on microfilm, or on compact disk at specific location(s). A copy will be located at the EPA Regional office, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The contact person in the Regional office is Anna Butch telephone at (215) 814-3157.

FUTURE FINANCIAL REVIEW

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within this category, please contact Joan E. Martin-Banks, Civil Investigator at (215) 814-3156 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements and a form to fill out with information about your finances, and you will be asked to submit financial records including business federal income tax returns. If EPA concludes that your company has a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Please note that, because EPA has a potential claim against you, you must include EPA as a creditor in subsequent bankruptcy proceedings.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, former President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblrbra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed with this letter.

Please give these matters your immediate attention and consideration. If you have any questions regarding the PRP Search activities performed at this Site, please contact Joan E. Martin Banks, Civil Investigator, at (215) 814-3156, or have your attorney contact James Van Orden of EPA's Office of Regional Counsel at (215) 814-2693. Laura Johnson, the Site RPM, can be reached by telephone at (215) 814-3295. Thank you for your prompt attention to this matter.

Sincerely,



Karen Melvin, Associate Division Director
Office of Enforcement
Hazardous Site Cleanup Division

Enclosures:

1. List of PRPS Receiving Notice Letter
2. Responsible Parties Previously Noticed and/or Ordered
3. SBREFA Information

cc: Erica Dameron, VA DEQ
James Van Orden, Esq., (3RC42)
Richard Rupert, OSC (3HS31)
Laura Johnson, RPM (3HS23)
Joanne Scanlon Prestia, Esq.

Enclosure 1

Notice Letter Recipient List

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Owner/Operators

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Enclosure 2

Parties Previously Issued Administrative Order for Removal Response Action,
January 11, 2007, (EPA Docket No.CERC-03-2007-0075DC)

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Party Previously Noticed on April 10, 2009

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Office of Enforcement and Compliance Assurance INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators

(www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners



Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center
(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act
(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers
(www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.
(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse
(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline
(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information
(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.
(1-202-554-1404)

Wetlands Helpline
(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman
(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage
(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy
(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy
(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.